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APPENDIX A

OPINION BELOW

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CIVIL ACTION No. 69-107

K. LEROY IRVIS, *Plaintiff*

v.

WILLIAM Z. SCOTT, Chairman,
EDWIN WINNER, Member, and
GEORGE R. BORTZ, Member,
LIQUOR CONTROL BOARD, COMMONWEALTH OF PENNSYLVANIA

and

MOOSE LODGE No. 107,
Harrisburg, Pennsylvania, *Defendants.*

Before FREEDMAN, *Circuit Judge*, SHERIDAN, *Chief Judge*,
and NEALON, *District Judge.*

Opinion

(Filed October 8, 1970)

FREEDMAN, *Circuit Judge:*

The facts in this case are undisputed. They are drawn from the pleadings and stipulations of the parties.

Defendant Moose Lodge No. 107 is a non-profit corporation organized under the laws of Pennsylvania. It is a subordinate lodge chartered by the Supreme Lodge of the World, Loyal Order of Moose, a non-profit corporation

organized under the laws of Indiana, which we permitted to intervene and argue as *amicus curiae*. The local Lodge conducts all its activities in Harrisburg in a building which it owns. It has never been the recipient of public funds. It is the holder of a club liquor license issued by the defendant Liquor Control Board of the Commonwealth of Pennsylvania, pursuant to the provisions of the Pennsylvania Liquor Code, Act of April 12, 1951, P.L. 90, as amended.¹

Under its charter from the Supreme Lodge the local Lodge is bound by the constitution and general by-laws of the Supreme Lodge.² The Constitution of the Supreme Lodge provides: "The membership of the lodges shall

¹ 47 Purdon's Pa. Stat. Annot. §§ 1-101 et seq.

² The objects and purposes of the local Lodge are set forth in the Constitution of the Supreme Lodge as follows:

"The objects and purposes of said fraternal and charitable lodges, chapters, and other units are to unite in the bonds of fraternity, benevolence, and charity all acceptable white persons of good character; to educate and improve their members and the families of their members, socially, morally, and intellectually; to assist their members and their families in time of need; to aid and assist the aged members of the said lodges, and their wives; to encourage and educate their members in patriotism and obedience to the laws of the country in which such lodges or other units exist, and to encourage tolerance of every kind; to render particular service to orphaned or dependent children by the operation of one or more vocational, educational institutions of the type and character of the institution called 'Mooseheart,' and located at Mooseheart, in the State of Illinois; to serve aged members and their wives in a special and unusual way at one or more institutions of the character and type of the place called 'Moosehaven,' located at Orange Park, in the State of Florida; to create and maintain foundations, endowment funds, or trust funds, for the purpose of aiding and assisting in carrying on the charitable and philanthropic enterprises heretofore mentioned; provided, however, that the corporation may act as trustee in the administration of such trust funds, with authority to use the interest therefrom and, in cases of emergency, the principal as well, for the perpetuation of Mooseheart and Moosehaven or either of them."

be composed of male persons of the Caucasian or White race above the age of twenty-one years, and not married to someone other than the Caucasian or White race, who are of good moral character, physically and mentally normal, who shall profess a belief in a Supreme Being. . . .³ The lodges accordingly maintain a policy and practice of restricting membership to the Caucasian race and permitting members to bring only Caucasian guests on lodge premises, particularly to the dining room and bar.⁴

On Sunday, December 29, 1968, a Caucasian member in good standing brought plaintiff, a Negro, to the Lodge's dining room and bar as his guest and requested service of food and beverages. The Lodge through its employees refused service to plaintiff solely because he is a Negro.

Plaintiff complained of the refusal of service to the Pennsylvania Human Relations Commission, which upheld his complaint. The Commission held that the dining room was a "place of public accommodation," within the definition of the Pennsylvania Human Relations Act of February 28, 1961, P.L. 47,⁵ and that the local Lodge had been guilty of discrimination against defendant. On appeal by the local Lodge the Court of Common Pleas of Dauphin County reversed the Commission and held that the dining room was not a place of public accommodation within the meaning of the Act.⁶

In the meanwhile plaintiff brought this action in the District Court for the Middle Section of Pennsylvania, and this three-judge court was constituted under 28 U.S.C. § 2281 to determine whether the issuance or renewal by the

³ Section 71-1.

⁴ Section 92.2 of the Constitution of the Supreme Lodge permits members to invite non-members, apparently without limitation, to social clubs maintained by a lodge. Under § 92.6 only a member may make any purchase.

⁵ 43 Purdon's Pa. Stat. Annot. §§ 951 et seq.

⁶ Pennsylvania Human Relations Commission v. The Loyal Order of Moose, Lodge No. 107, — Pa. D. & C. 2d — (C.P. Dauphin County, March 6, 1970).

Pennsylvania Liquor Control Board under the Pennsylvania Liquor Code of a club liquor license to the local Lodge despite its discrimination against Negroes violates the Equal Protection Clause of the Fourteenth Amendment.

Racial discrimination is undisputed in this case. It was not only practiced against plaintiff by the local Lodge but is required by the constitution of the Supreme Lodge.

The question in the case, therefore, is focused on whether the admitted discrimination by the local Lodge in refusing to service plaintiff a drink of liquor because of his race bore the attributes of state action and so falls within the prohibition of the Fourteenth Amendment against the denial by a state of the equal protection of the laws.

The boundaries which define what is state action are not always clear.⁷ This case presents a situation which is one of first impression. It comes to us surrounded by a mass of decisions which can serve as guides, although they do not authoritatively direct our conclusion.⁸

⁷ "Because the virtue of the right to equal protection of the laws could lie only in the breadth of its application, its constitutional assurance was reserved in terms whose imprecision was necessary if the right were to be enjoyed in the variety of individual-state relationships which the Amendment was designed to embrace. For the same reason, to fashion and apply a precise formula for recognition of state responsibility under the Equal Protection Clause is an 'impossible task' which 'This Court has never attempted.' *Kotch v. Pilot Comm'rs*, 330 U.S. 552, 556. Only by sifting facts and weighing circumstances could the nonobvious involvement of the State in private conduct be attributed its true significance." *Burton v. Wilmington Parking Authority*, 365 U.S. 715, 722 (1961).

⁸ A few of the leading discussions of the subject of state action are *Developments in the Law: Equal Protection*, 82 Harv. L. Rev. 1065 (1969); Black, *Forward: "State Action, Equal Protection, and California's Proposition 14,"* 81 Harv. L. Rev. 69 (1968); Paulsen, *The Sit-In Cases of 1964: "But Answer Came There None,"* 1964 Sup. Ct. Rev. 137 (1964); Henkin, *Shelley v. Kraemer: Notes for a Revised Opinion*, 110 U. Pa. L. Rev. 473 (1962); Lewis, *The Meaning of State Action*, 60 Colum. L. Rev. 1083 (1960).

We believe the decisive factor is the uniqueness and the all-pervasiveness of the regulation by the Commonwealth of Pennsylvania of the dispensing of liquor under licenses granted by the state. The regulation inherent in the grant of a state liquor license is so different in nature and extent from the ordinary licenses issued by the state that it is different in quality.

It had always been held in Pennsylvania, even prior to the Eighteenth Amendment, that the exercise of the power to grant licenses for the sale of intoxicating liquor was an exercise of the highest governmental power, one in which the state had the fullest freedom inhering in the police power of the sovereign.⁹ With the Eighteenth Amendment which went into effect in 1919 the right to deal in intoxicating liquor was extinguished. The era of Prohibition ended with the adoption in 1933 of the Twenty-first Amendment, which has left to each state the absolute power to prohibit the sale, possession or use of intoxicating liquor, and in general to deal otherwise with it as it sees fit.¹⁰

Pennsylvania has exercised this power with the fullest measure of state authority. Under the Pennsylvania plan the state monopolizes the sale of liquor through its so-

⁹ *Tahiti Bar, Inc. Liquor License Case*, 395 Pa. 355, 150 A.2d 112, appeal dismissed, 361 U.S. 85 (1959); *Cavanaugh v. Gelder*, 364 Pa. 361, 72 A.2d 713 (1950); *Spankard's Liquor License Case*, 138 Pa. Super. 251, 10 A.2d 899 (1940); *Commonwealth v. One Dodge Motor Truck*, 123 Pa. Super. 311, 187 A. 461 (1936). See also *Goesaert v. Cleary*, 335 U.S. 464, 465 (1948) ("The regulation of the liquor traffic is one of the oldest and most untrammelled of legislative powers. . ."); *Crane v. Campbell*, 245 U.S. 306 (1917); *Mugler v. Kansas*, 123 U.S. 623 (1887) and *License Cases*, 46 U.S. (5 How.) 504 (1847).

¹⁰ See, e.g., *Seagram & Sons, Inc. v. Hostetter*, 384 U.S. 35, 42 (1966); *Hostetter v. Idlewild Bon Voyage Liquor Corp.*, 377 U.S. 324, 330 (1964); *Ziffrin, Inc. v. Reeves*, 308 U.S. 132, 138 (1939); *State Board v. Young's Market Co.*, 299 U.S. 59 (1936). See generally, Note, *The Evolving Scope of State Power Under the Twenty-first Amendment*, 19 Rutgers L.Rev. 759 (1965).

called state stores, operated by the state. Resale of liquor is permitted by hotels, restaurants and private clubs, which must obtain licenses from the Liquor Control Board, authorizing them "to purchase liquor from a Pennsylvania Liquor Store [at a discount] and keep on the premises such liquor and, subject to the provisions of this Act and the regulations made thereunder to sell the same and also malt or brewed beverages to guests, patrons or members for consumption on the hotel, restaurant or club premises."¹¹

The issuance or refusal of a license to a club is in the discretion of the Liquor Control Board.¹² In order to secure one of the limited number of licenses which are available in each municipality,¹³ an applicant must comply with extensive requirements, which in general are applicable to commercial and club licenses equally. The applicant must make such physical alterations in his premises as the Board may require and, if a club, must file a list of the names and addresses of its members and employees, together with such other information as the Board may require.¹⁴ He must conform his overall financial arrangements to the statute's exacting requirements¹⁵ and keep extensive records.¹⁶ He may not permit "persons of ill repute" to frequent his premises¹⁷ nor allow thereon at any time any "lewd, immoral or improper entertain-

¹¹ 47 Purdon's Pa. Stat. Annot. § 4-401(a).

¹² 47 Purdon's Pa. Stat. Annot. § 4-404.

¹³ See 47 Purdon's Pa. Stat. Annot., § 4-461, as amended, and § 4-472.1. When the quota for commercial licenses is reached in a municipality, no new club license can be issued there even if a club license already granted is eliminated.

¹⁴ 47 Purdon's Pa. Stat. Annot. § 4-403. See also § 1-102, "club."

¹⁵ See, e.g., 47 Purdon's Pa. Stat. Annot. § 4-411 and § 4-493.

¹⁶ See, e.g., 47 Purdon's Pa. Stat. Annot. § 4-493(12).

¹⁷ 47 Purdon's Pa. Stat. Annot. § 4-493(14).

ment."¹⁸ He must grant the Board and its agents the right to inspect the licensed premises at any time when patrons, guests or members are present.¹⁹ It is only on compliance with these and numerous other requirements and if the Board is satisfied that the applicant is "a person of good repute" and that the license will not be "detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood," that the license may issue.²⁰

Once a license has been issued the licensee must comply with many detailed requirements or risk its suspension or revocation. He must in any event have it renewed periodically. Liquor licenses have been employed in Pennsylvania to regulate a wide variety of moral conduct, such as the presence and activities of homosexuals,²¹ performance by a topless dancer,²² lewd dancing,²³ swearing,²⁴ being noisy or disorderly.²⁵ So broad is the state's power that the courts of Pennsylvania have upheld its restriction of freedom of expression of a licensee on the ground that in doing so it merely exercises its plenary power to attach conditions to the privilege of dispensing liquor which a licensee holds at the sufferance of the state.²⁶

¹⁸ 47 Purdon's Pa. Stat. Annot. § 4-493(10).

¹⁹ 47 Purdon's Pa. Stat. Annot. § 4-493(21).

²⁰ 47 Purdon's Pa. Stat. Annot. § 4-404.

²¹ Freeman Liquor License Case, 211 Pa. Super. 132, 235 A.2d 825 (1967).

²² Scarzia Appeal, 46 Pa. D. & C. 2d 742 (C.P. Lehigh Co. 1968).

²³ Golden Bar, Inc. Liquor License Case No. 2, 193 Pa. Super. 404, 165 A.2d 287 (1960).

²⁴ Reiter Liquor License Case, 173 Pa. Super. 552, 554, 98 A.2d 465, 467 (1953).

²⁵ Petty Liquor License Case, 216 Pa. Super. 55, 258 A.2d 874 (1969), and cases there cited.

²⁶ Tahiti Bar, Inc. Liquor License Case, 395 Pa. 355, 360-62, 150 A.2d 112, 115-16, appeal dismissed 361 U.S. 85 (1959).

These are but some of the many reported illustrations of the use which the state has made of its unrestricted power to regulate and even to deny the right to sell, transport or possess intoxicating liquor. It would be difficult to find a more pervasive interaction of state authority with personal conduct. The holder of a liquor license from the Commonwealth of Pennsylvania therefore is not like other licensees who conduct their enterprises at arms-length from the state, even though they may have been required to comply with certain conditions, such as zoning or building requirements, in order to obtain or continue to enjoy the license which authorizes them to engage in their business. The state's concern in such cases is minimal and once the conditions it has exacted are met the customary operations of the enterprise are free from further encroachment. Here by contrast beyond the act of licensing is the continuing and pervasive regulation of the licensees by the state to an unparalleled extent. The unique power which the state enjoys in this area, which has put it in the business of operating state liquor stores and in the role of licensing clubs, has been exercised in a manner which reaches intimately and deeply into the operation of the licensees.

In addition to this, the regulations of the Liquor Control Board adopted pursuant to the statute affirmatively require that "every club licensee shall adhere to all the provisions of its constitution and by-laws."²⁷ As applied to the present case this regulation requires the local Lodge to adhere to the constitution of the Supreme Lodge²⁸ and thus to exclude non-Caucasians from membership in its licensed club. The state therefore has been far from neutral. It has declared that the local Lodge must adhere

²⁷ Regulations, § 113.09.

²⁸ As stipulated by the parties, Local Lodge No. 107 has no constitution or by-laws other than those of the Supreme Lodge, by which the local lodge is expressly governed under its charter.

to the discriminatory provision under penalty of loss of its license. It would be difficult in any event to consider the state neutral in an area which is so permeated with state regulation and control, but any vestige of neutrality disappears when the state's regulation specifically exacts compliance by the licensee with an approved provision for discrimination, especially where the exaction holds the threat of loss of the license.

However it may deal with its licensees in exercising its great and untrammelled power over liquor traffic, the state may not discriminate against others or disregard the operation of the Equal Protection Clause of the Fourteenth Amendment as it affects personal rights.²⁹ Here the state has used its great power to license the liquor traffic in a manner which has no relation to the traffic in liquor itself but instead permits it to be exploited in the pursuit of a discriminatory practice. Here then are fully applicable the words of the Supreme Court in *Burton v. Wilmington Parking Authority*, 365 U.S. 715, 725 (1961), where discrimination by a coffee shop lessee in the municipal parking authority's garage building was held to be state action:

"[I]n its lease with Eagle the Authority could have affirmatively required Eagle to discharge the responsibilities under the Fourteenth Amendment imposed upon the private enterprise as a consequence of state participation. But no State may effectively abdicate its responsibilities by either ignoring them or by merely failing to discharge them whatever the motive may be. . . . By its inaction, the Authority, and through it

²⁹ *Goesaert v. Cleary*, 335 U.S. 464, 466 (1948). See, e.g., *Parks v. Allen*, 409 F.2d 210 (5 Cir. 1969); *Atlanta Bowling Center, Inc. v. Allen*, 389 F.2d 713 (5 Cir. 1968); *Lewis v. City of Grand Rapids*, 356 F.2d 276 (6 Cir. 1966); *Seidenberg v. McSorleys' Old Ale House, Inc.* — F. Supp. — (S.D.N.Y. 1970). See generally, *Provisions of Statute Regarding Personal Qualifications Necessary to Entitle One to License for Sale of Intoxicating Liquor: As Denial of Equal Protection of Laws*, 145 A.L.R. 509 (1943).

the State, has not only made itself a party to the refusal of service, but has elected to place its power, property and prestige behind the admitted discrimination. The State has so far insinuated itself into a position of interdependence with Eagle that it must be recognized as a joint participant in the challenged activity, which, on that account, cannot be considered to have been so 'purely private' as to fall without the scope of the Fourteenth Amendment."³⁰

As in *Burton* the state has "insinuated itself into a position of interdependence" with its club licensees, and as in *Shelley v. Kraemer*, 334 U.S. 1 (1948), it has undertaken to enforce the privately promulgated constitutional provisions of the club establishing discrimination.

³⁰ See *Evans v. Newton*, 382 U.S. 296, 299 (1966) ("Conduct that is formally 'private' may become so entwined with governmental policies or so impregnated with a governmental character as to become subject to the constitutional limitations placed upon state action. . . . That is to say, when private individuals or groups are endowed by the State with powers or functions governmental in nature, they become agencies or instrumentalities of the State and subject to its constitutional limitations."). See the discussion of *Burton*, *Evans* and related decisions in *Reitman v. Mulkey*, 387 U.S. 369, 378-81 (1967) and in *United States v. Guest*, 383 U.S. 745, 755-56 (1966) ("In a variety of situations the Court has found state action of a nature sufficient to create rights under the Equal Protection Clause even though the participation of the State was peripheral, or its action was only one of several co-operative forces leading to the constitutional violation.") See also, e.g., *Turner v. City of Memphis*, 369 U.S. 350, 353 (1962); *Pennsylvania v. Brown*, 392 F.2d 120 (3 Cir.), cert. denied 391 U.S. 921 (1968); *Smith v. Hampton Training School for Nurses*, 360 F.2d 577 (5 Cir. 1966); *Wimbish v. Pinellas County, Florida*, 342 F.2d 804 (5 Cir. 1965); *Smith v. Holiday Inns of America, Inc.*, 336 F.2d 630 (6 Cir. 1964); *Simkins v. Moses H. Cone Memorial Hospital*, 323 F.2d 959 (5 Cir. 1963).

See generally Karst & Horowitz, *Reitman v. Mulkey: A Telophase of Substantive Equal Protection*, 1967 Sup. Ct. Rev. 39, 55-79 (1967); Peters, *Civil Rights and State Non-Action*, 34 Notre Dame Lawyer 303 (1959).

There is no question here of interference with the right of members of the Moose Lodge to associate among themselves in harmony with their private predilections. The state, however, may not confer upon them in doing so the authority which it enjoys under its police power to engage in the sale or distribution of intoxicating liquors, under a grant from the state which is conditioned in this case on the club's adherence to the requirement of its constitution and customs that it must practice discrimination and refuse membership or service because of race.

Nothing in what we here say implies a judgment on private clubs which limit participation to those of a shared religious affiliation or a mutual heritage in national origin. Such cases are not the same as the present one where discrimination is practiced solely on racial grounds and therefore collides head-on against the "clear and central purpose of the Fourteenth Amendment . . . to eliminate all official state sources of invidious racial discrimination in the States." *Loving v. Virginia*, 388 U.S. 1, 10 (1967); and cases there cited.

We therefore hold that the club license granted by the Liquor Control Board of the Commonwealth of Pennsylvania to the Moose Lodge No. 107 is invalid because it is in violation of the Equal Protection Clause of the Fourteenth Amendment of the Federal Constitution.

An appropriate form of decree may be submitted.

/s/ ABRAHAM L. FREEDMAN
Abraham L. Freedman,
Circuit Judge

/s/ MICHAEL H. SHERIDAN
Michael H. Sheridan,
Chief Judge

/s/ WILLIAM J. NEALON
William J. Nealon, Jr.,
District Judge

APPENDIX B

JUDGMENT BELOW

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CIVIL ACTION No. 69-107

K. LEROY IRVIS, *Plaintiff*

v.

WILLIAM Z. SCOTT, *Chairman*,
EDWIN WINNER, *Member*, and
GEORGE R. BORTZ, *Member*,

LIQUOR CONTROL BOARD, COMMONWEALTH OF PENNSYLVANIA

and

MOOSE LODGE No. 107,
Harrisburg, Pennsylvania, *Defendants*.

Final Decree

AND NOW, this 13th day of November, 1970, pursuant to the Opinion filed in this case on October 8, 1970, it is hereby ordered and decreed as follows:

1. The club liquor license presently held by defendant Moose Lodge No. 107 and issued to it by the Pennsylvania Liquor Control Board under the Pennsylvania Liquor Code is hereby adjudged and declared invalid because it is in violation of the equal protection clause of the Fourteenth Amendment to the Constitution of the United States.

2. Defendants, the Pennsylvania Liquor Control Board, its members, William Z. Scott, Chairman, Edwin Winner and George R. Bortz, and their successors, are hereby directed forthwith to terminate and cancel the club liquor

license issued by the Board to defendant Moose Lodge No. 107.

3. Defendants, the Pennsylvania Liquor Control Board, its members, William Z. Scott, Chairman, Edwin Winner and George R. Bortz, and their successors, are hereby permanently enjoined and restrained from issuing any club liquor license to defendant Moose Lodge No. 107 as long as it follows a policy of racial discrimination in its membership or operating policies or practices.

4. Any party at any time may apply for modification of this decree.

5. Execution and enforcement of this decree is hereby stayed for a period of sixty (60) days.

/s/ ABRAHAM L. FREEDMAN
Abraham L. Freedman,
Circuit Judge

/s/ MICHAEL H. SHERIDAN
Michael H. Sheridan,
Chief Judge

/s/ WILLIAM J. NEALON
William J. Nealon,
District Judge

APPENDIX C
ORDER DENYING MODIFICATION
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Civil Action No. 69-107

K. LEROY IRVIS, *Plaintiff.*

v.

WILLIAM Z. SCOTT, *Chairman*
EDWIN WINNER, Member, and
GEORGE R. BORTZ, Member,
LIQUOR CONTROL BOARD
COMMONWEALTH OF PENNSYLVANIA

and

MOOSE LODGE No. 107,
Harrisburg, Pennsylvania, *Defendants.*

Order

AND NOW, this 5th day of January, 1971, the motion of defendant Moose Lodge No. 107 to modify the final decree is hereby denied.

/s/ ABRAHAM L. FREEDMAN,
Abraham L. Freedman,
Circuit Judge

/s/ MICHAEL H. SHERIDAN,
Michael H. Sheridan,
Chief Judge

/s/ WILLIAM J. NEALON,
William J. Nealon, Jr.,
District Judge

APPENDIX D
NOTICE OF APPEAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Civil Action No. 69-107

K. LEROY IRVIS, *Plaintiff.*

v.

WILLIAM Z. SCOTT, *Chairman*
EDWIN WINNER, *Member, and*
GEORGE R. BORTZ, *Member,*
LIQUOR CONTROL BOARD
COMMONWEALTH OF PENNSYLVANIA
and

MOOSE LODGE No. 107,
Harrisburg, Pennsylvania, *Defendants.*

Notice of Appeal to the Supreme Court of the United States

1. Notice is hereby given that MOOSE LODGE No. 107, Harrisburg, Pennsylvania, one of the defendants above named, hereby appeals to the Supreme Court of the United States from the final decree entered in this action on November 13, 1970.

2. This appeal is taken pursuant to 28 U.S.C. §§ 1253 and 2101(b).

Dated this 4th day of January 1971.

/s/ THOMAS D. CALDWELL, JR.
Thomas D. Caldwell, Jr.,
Caldwell, Clouser & Kearns,
123 Walnut Street,
Harrisburg, Pa. 17101

*Attorney for Defendant Moose
Lodge No. 107.*

[Certificate of Service omitted]

APPENDIX E

CONSTITUTIONAL PROVISION AND FEDERAL
STATUTE INVOLVED

1. Section 1 of the Fourteenth Amendment provides as follows:

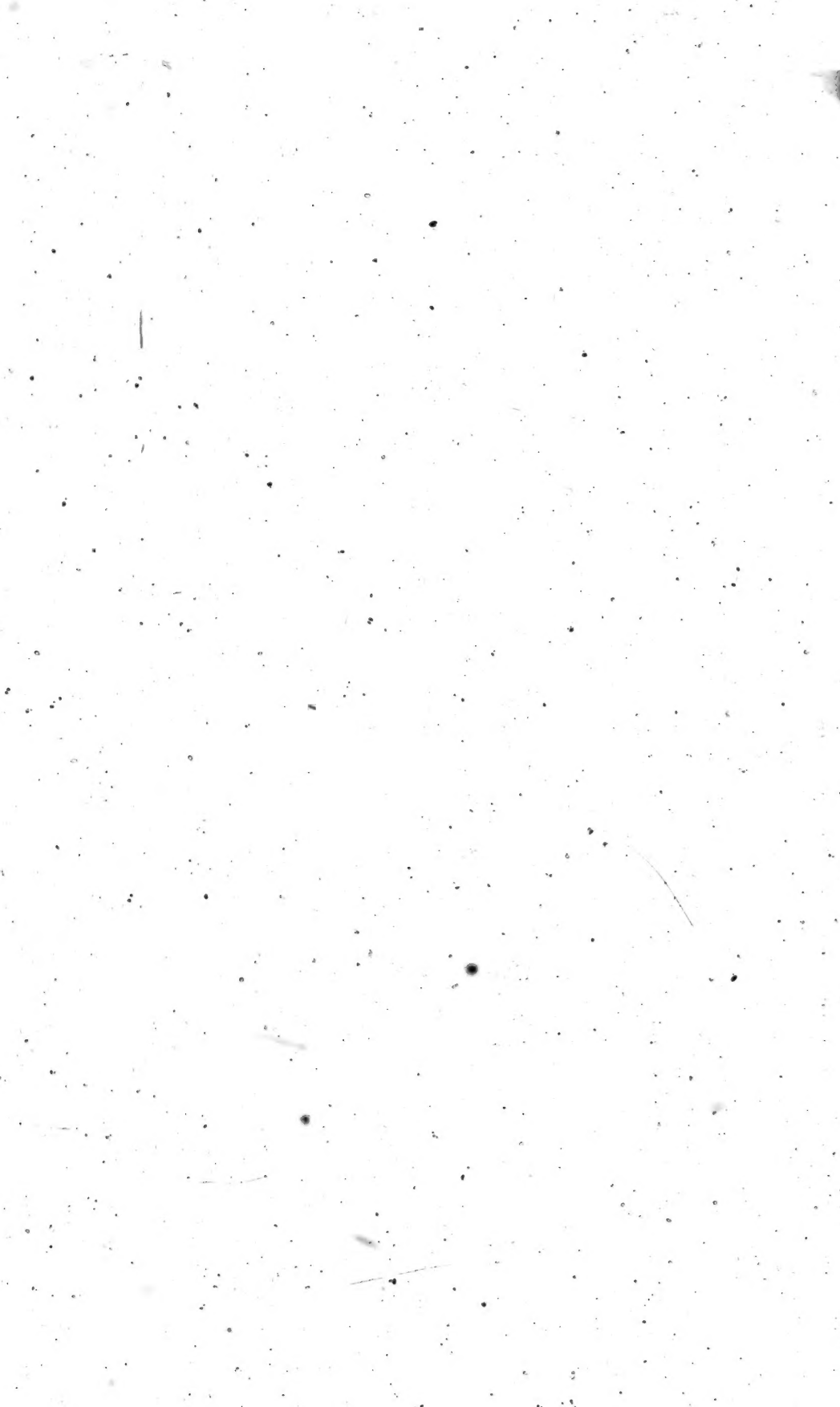
"SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

2. Section 201(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000a(e)) provides as follows:

"TITLE II — INJUNCTIVE RELIEF AGAINST
DISCRIMINATION IN PLACES OF PUBLIC AC-
COMMODATION

"Sec. 201. * * *

"(e) The provisions of this title shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b)."



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Supreme Court, U.S.

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1970

No.

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MOOSE LODGE No. 107, *Appellant*,

v.

K. LEROY IRVIS, and WILLIAM Z. SCOTT, Chairman, EDWIN
WINNER, Member, and GEORGE R. BORTZ, Member,
LIQUOR CONTROL BOARD, COMMONWEALTH
OF PENNSYLVANIA

Appeal From the United States District Court for the
Middle District of Pennsylvania

**APPENDICES F AND G TO
JURISDICTIONAL STATEMENT**

F—PENNSYLVANIA LIQUOR CODE AND REGULATIONS

**G—CONSTITUTION OF SUPREME LODGE OF THE
WORLD, LOYAL ORDER OF MOOSE**

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Of Counsel.

**PENNSYLVANIA LIQUOR CODE
AND RELATED LAWS
WITH
P.L.C.B. REGULATIONS**

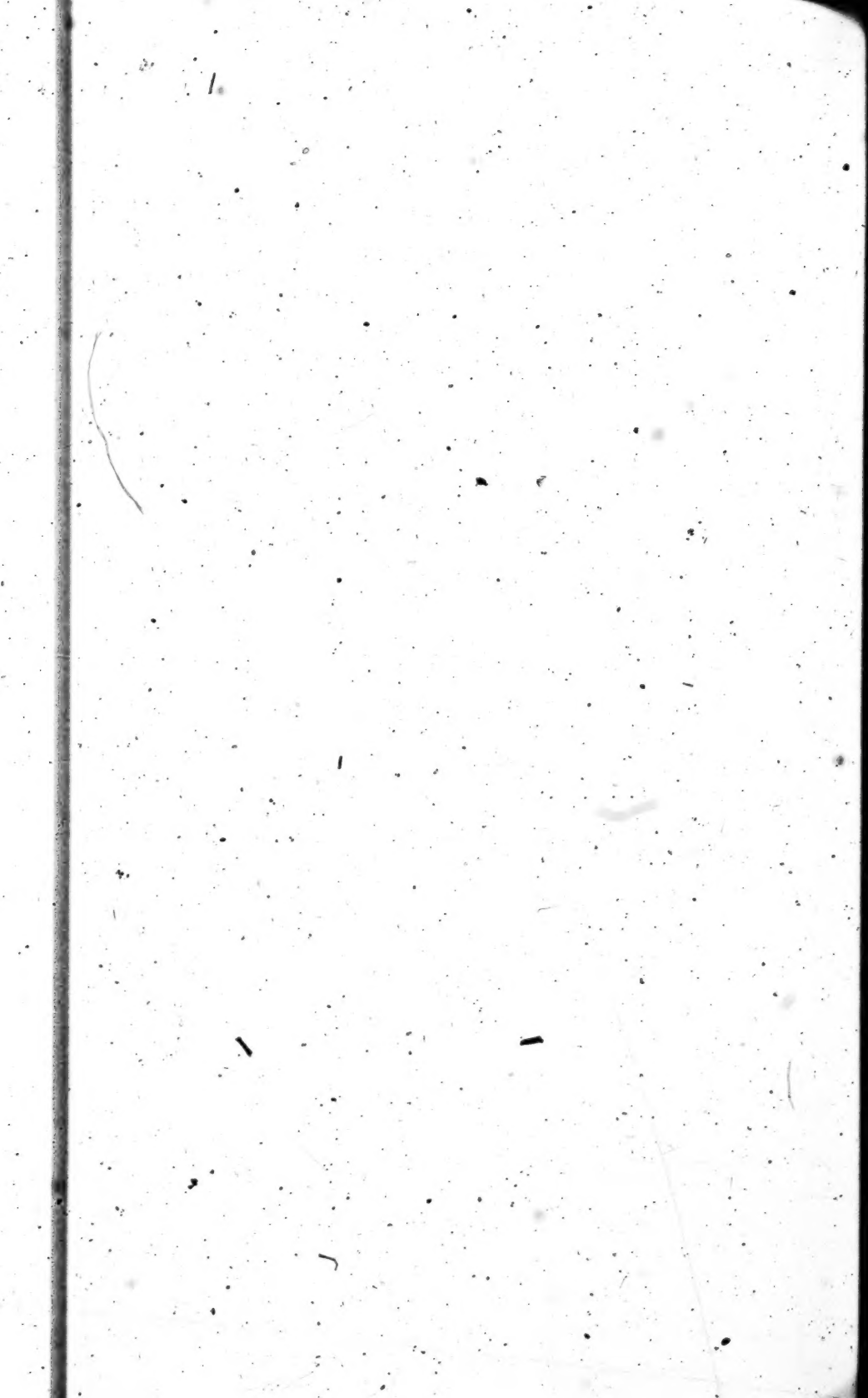


Commonwealth of Pennsylvania

PENNSYLVANIA LIQUOR CONTROL BOARD

RAYMOND P. SHAFER
Governor

W. Z. SCOTT, Chairman
E. WINNER
G. R. BORTZ



SUMMARY OF CONTENTS

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FOREWORD

The following contains the complete text of the "Liquor Code" of 1951, including all amendments to June 1, 1970. Also included in this compilation are related laws pertaining to alcoholic beverage control, the Liquor Control Board Regulations and a comprehensive index.

Mr. Harold E. Wetzel, Director of the Bureau of Licensing, prepared the original compilation and index upon which the following is based.

Acknowledgement is made to Timothy L. McNickle, John L. Sampson, III, and Thomas J. Carlyon, Legal Assistants in the Board's Legal Bureau, who revised the compilation and index and to Thomas J. Shannon, Esquire, Assistant Attorney General and Counsel for the Board under whose supervision and guidance the work was done.

PENNSYLVANIA LIQUOR CONTROL BOARD

WILLIAM Z. SCOTT, Chairman
EDWIN WINNER
GEORGE R. BORTZ

Revised June, 1970

1. LIQUOR CODE

(Act 21 of April 12, 1951, P.L. 90; amended by Act 502 of January 14, 1952, P.L. 1863; amended by Act 504 of January 14, 1952, P.L. 1865; amended by Act 591 of January 14, 1952, P.L. 2089; amended by Act 619 of January 19, 1952, P.L. 2170; amended by Act 272 of August 19, 1953, P.L. 1061; amended by Act 382 of August 22, 1953, P.L. 1340; amended by Act 297 of January 26, 1956, P.L. 966; amended by Act 348 of February 17, 1956, P.L. 1077; amended by Act 349 of February 17, 1956, P.L. 1078; amended by Act 499 of April 20, 1956, P.L. 1508; amended by Act 533 of May 15, 1956, P.L. 1587; amended by Act 583 of May 25, 1956, P.L. 1743; amended by Act 99 of May 27, 1957, P.L. 201; amended by Act 170 of June 14, 1957, P.L. 322; amended by Act 231 of June 28, 1957, P.L. 419; amended by Act 268 of July 3, 1957, P.L. 475; amended by Act 346 of July 10, 1957, P.L. 638; amended by Act 220 of August 11, 1959, P.L. 670; amended by Act 260 of August 25, 1959, P.L. 746; amended by Act 471 of October 23, 1959, P.L. 1360; amended by Act 543 of November 19, 1959, P.L. 1532; amended by Act 553 of November 19, 1959, P.L. 1546; amended by Act 555 of November 19, 1959, P.L. 1550; amended by Act 702 of December 17, 1959, P.L. 1932; amended by Act 781 of January 7, 1960, P.L. 2106; amended by Act 18 of February 21, 1961, P.L. 45; amended by Act 211 of June 15, 1961, P.L. 423; amended by Act 244 of June 19, 1961, P.L. 482; amended by Act 245 of June 19, 1961, P.L. 484; amended by Act 269 of July 10, 1961, P.L. 554; amended by Act 275 of July 10, 1961, P.L. 561; amended by Act 347 of July 18, 1961, P.L. 789; amended by Act 348 of July 18, 1961, P.L. 790; amended by Act 381 of July 26, 1961, P.L. 886; amended by Act 456 of August 21, 1961, P.L. 1015; amended by Act 495 of August 23, 1961, P.L. 1115; amended by Act 583 of September 15, 1961, P.L. 1325; amended by Act 590 of September 16, 1961, P.L. 1337; amended by Act 639 of September 19, 1961, P.L. 1507; amended by Act 642 of September 20, 1961, P.L. 1513; amended by Act 663 of September 21, 1961, P.L. 1579; amended by Act 676 of September 22, 1961, P.L. 1599; amended by Act 702 of September 28, 1961, P.L. 1728; amended by Act 242 of August 1, 1963, P.L. 456; amended by Act 101 of June 29, 1965, P.L. 151; amended by Act 161 of August 10, 1965, P.L. 306; amended by Act 182 of August 17, 1965, P.L. 346; amended by Act 316 of October 21, 1965, P.L. 642; amended by Act 343 of November 10, 1965, P.L. 716; amended by Act 360 of December 1, 1965, P.L. 979; amended by Act 426 of December 16, 1965, P.L. 1106; amended by Act 441 of December 22, 1965, P.L. 1144; amended by Act 445 of December 22, 1965, P.L. 1149; amended by Act 518 of January 13, 1966, P.L. 1301; amended by Act 135 of September 25, 1967, P.L. 1149; amended by Act 177 of October 9, 1967, P.L. 1149; amended by Act 178 of October 9, 1967, P.L. 1149; amended by Act 179 of October 9, 1967, P.L. 1149; amended by Act 180 of October 9, 1967, P.L. 1149; amended by Act 183 of October 9, 1967, P.L. 1149; amended by Act 225 of October 20, 1967, P.L. 1149; amended by Act 247 of November 17, 1967, P.L. 1149; amended by Act 302 of November 30, 1967, P.L. 1149; amended by Act 432 of January 18, 1968, P.L. 1149; amended by Act 199 of July 20, 1968, P.L. 1149; amended by Act 201 of July 20, 1968, P.L. 1149; amended by Act 243 of July 31, 1968, P.L. 1149; amended by Act 272 of July 31, 1968, P.L. 1149; amended by Act 87 of August 1, 1969, P.L. 1149; amended by Act 95 of September 25, 1969, P.L. 1149; amended by Act 124 of November 18, 1969, P.L. 1149; amended by Act 154 of December 10, 1969, P.L. 1149.)

AN ACT

Relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: "Liquor Code"

ARTICLE I.

PRELIMINARY PROVISIONS.

Section 101. Short Title.—This act shall be known and may be cited as the "Liquor Code."

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section: Definitions

"Alcohol" shall mean ethyl alcohol of any degree of proof originally produced by the distillation of any fermented liquid, whether rectified or diluted with or without water, whatever may be the origin thereof, and shall include synthetic ethyl alcohol, but shall not mean or include ethyl alcohol, whether or not diluted, that has been denatured or otherwise rendered unfit for beverage purposes. Alcohol

"Association" shall mean a partnership, limited partnership or any form of unincorporated enterprise owned by two or more persons. Association

"Board" shall mean the Pennsylvania Liquor Control Board. Board

"Bonded warehouse" shall mean and include all places and warehouses legally established under the provisions of the acts of Congress and the administrative provisions of the internal revenue laws of the Government of the United States of America, for the storage, concentration, distribution and holding in bond, (a) of whiskey and any other potable distilled spirits, except ethyl alcohol, when used in Article VII entitled "Distillery Bonded Warehouse Certificates" and, (b) of alcohol or liquor when otherwise used. Bonded Warehouse

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience, having some primary interest and activity to which the sale of liquor or malt and brewed beverages shall be only secondary, which, if incorporated, has been in continuous existence and operation for at least one year, and if first licensed after June sixteenth, one thousand nine hundred thirty-seven; shall have been incorporated in this Commonwealth, and, if unincorporated, for at least ten years, immediately preceding the date of its application for a license under this act, and which regularly occupies, as owner or lessee, a clubhouse or quarters for the use of its members. Continuous existence must be proven by satisfactory evidence. The board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate successors. The club shall hold regular meetings, conduct its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members, and maintain such records as the board shall from time to time prescribe, but any such club may waive or reduce in amount, or pay from its club funds, the dues of any person who was a Club

Period of existence

Charter

Clubs permitted to waive dues

of persons in
military
service

member at the time he was inducted into the military service of the United States or was enrolled in the armed forces of the United States pursuant to any selective service act during the time of the member's actual service or enrollment.

Container

"Container" shall mean and include any receptacle, vessel or form of package, tank, vat, cask, barrel, drum, keg, can, bottle or conduit used or capable of use for holding, storing, transferring or shipment of alcohol, liquor or malt or brewed beverages.

Corporation

"Corporation" shall mean a corporation or joint-stock association organized under the laws of this Commonwealth, the United States, or any other state, territory, or foreign country or dependency.

Denatured
alcohol

"Denatured alcohol" shall mean and include all alcohol or any compound thereof which by the admixture of such denaturing material or materials is rendered unfit for use as a beverage.

Denaturing
Plant

"Denaturing plant" shall mean and include the premises of a distillery used exclusively for the denaturization of alcohol, either specially or completely, by the admixture of such denaturing materials as shall render the alcohol or any compound in which it is authorized to be used unfit for use as a beverage.

Distillery

"Distillery" shall mean and include any premises or plant wherein alcohol or liquor is manufactured, made and distilled from raw materials, blended or rectified, or any place wherein alcohol or liquor is produced by any method suitable for the production of alcohol. The term shall not include a "winery" where alcohol is derived from by-products of wine production by distillation for the sole purpose of adding to the fermented products to fortify the same.

Distillery
Bonded
Warehouse
Certificate

"Distillery Bonded Warehouse Certificate" shall mean a certificate, receipt, contract or other document given upon the storage of whiskey or any other potable distilled spirits, except ethyl alcohol, in a bonded warehouse, and evidencing the ownership of such whiskey or other potable distilled spirits.

Distillery
Certificate
Broker

"Distillery certificate broker" shall mean and include every person who engages directly or through an agent in selling, purchasing, exchanging, offering for sale or delivery, or entering into agreements for the purchase, sale or exchange, or soliciting subscriptions to or orders for, or undertaking to dispose of, or dealing in any manner in, distillery bonded warehouse certificates.

Distributor

"Distributor" (As amended by Act 182 of August 17, 1965, P. L. 346) shall mean any person licensed by the board to engage in the purchase only from Pennsylvania manufacturers and from importing distributors and the resale of malt or brewed beverages, except to importing distributors and distributors, in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises where sold, and in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four

fluid ounces or more except original containers containing one hundred twenty-eight ounces or more which may be sold separately.

"Eating place" shall mean a premise where food is regularly and customarily prepared and sold, having a total area of not less than three hundred square feet available to the public in one or more rooms, other than living quarters, and equipped with tables and chairs accommodating thirty persons at one time.

Eating place

"Hotel"* shall mean any reputable place operated by responsible persons of good reputation where the public may, for a consideration, obtain sleeping accommodations and meals and which, in a city, has at least ten, and in any other place at least six, permanent bedrooms for the use of guests, a public dining room or rooms operated by the same management accommodating at least thirty persons at one time, and a kitchen, apart from the public dining room or rooms, in which food is regularly prepared for the public.

Hotel

"Importing distributor" (As amended by Act 182 of August 17, 1965, P. L. 346) shall mean any person licensed by the board to engage in the purchase from manufacturers and other persons located outside this Commonwealth and from persons licensed as manufacturers of malt or brewed beverages and importing distributors under this act, and the resale of malt or brewed beverages in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises where sold, and in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more except original containers containing one hundred twenty-eight ounces or more which may be sold separately.

**Importing
Distributor**

"Limited Winery" (As added by Act 272 of July 31, 1968, P.L.) shall mean a winery with a maximum output of fifty thousand (50,000) gallons per year.

**Limited
Winery**

"Liquor" shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures, and reused, recovered or redistilled denatured alcohol usable or taxable for beverage purposes which contain more than one-half of one per cent of alcohol by volume, except pure ethyl alcohol and malt or brewed beverages.

Liquor

"Malt or Brewed Beverages" means any beer, lager beer, ale, porter or similar fermented malt beverage containing one-half of one per centum or more of alcohol by volume, by whatever name such beverage may be called.

**Malt or
brewed
beverages**

"Manufacture", when the term is applied to malt or brewed beverages, shall mean and include all means, methods and processes used, employed and made use of, to produce, make and manufacture for commercial purposes, malt or brewed

Manufacture

* See Section 461(c) of this Act for definition of "Hotel" when quota is exceeded in any municipality.

beverages from raw materials; when applied otherwise, it shall mean and include all means, methods and processes used, employed and made use of, to produce and make alcohol or liquor from raw materials, and shall mean and include rectification and blending of alcohol and liquor, the production, recovery or reuse of alcohol in the making, developing, using in the process of manufacture, denaturing, redistilling or recovering of any alcohol or liquor in distilleries, denaturing plants and wineries.

Manufacturer

"Manufacturer" shall mean any person, association or corporation engaged in the producing, manufacturing, distilling, rectifying or compounding of liquor, alcohol or malt or brewed beverages in this Commonwealth or elsewhere.

Manufacturer of malt or brewed beverages

"Manufacturer of malt or brewed beverages" shall mean any person holding a license issued by the board to engage in the manufacture, transportation and sale of malt or brewed beverages; also, any person engaged in the legal manufacture of malt or brewed beverages within the territorial limits of the United States, outside the Commonwealth of Pennsylvania.

Municipality

"Municipality" shall mean any city, borough, incorporated town, or township of this Commonwealth.

Official Seal

"Official Seal" shall mean and include any insignia approved by the board that is required to be affixed to a package, as herein defined.

Original container

"Original container" shall mean all bottles, casks, kegs or other suitable containers that have been securely capped, sealed or corked by the manufacturer of malt or brewed beverages at the place of manufacture, with the name and address of the manufacturer of the malt or brewed beverages contained or to be contained therein permanently affixed to the bottle, cask, keg or other container, or in the case of a bottle or can, to the cap or cork used in sealing the same or to a label securely affixed to a bottle or can.

Package

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor or alcohol as marketed by the manufacturer.

Person

"Person" shall mean a natural person, association or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment or both, the term "person", as applied to "association", shall mean the partners or members thereof, and as applied to "corporation", shall mean the officers thereof, except, as to incorporated clubs, the term "person" shall mean such individual or individuals who, under the by-laws of such club, shall have jurisdiction over the possession and sale of liquor therein.

Population

"Population" (*As amended by Act 346 of July 10, 1957, P. L. 638*) shall mean the number of inhabitants as determined by the last preceding decennial census of the United States, or by any other census subsequently taken by the census bureau of the United States and so certified by it: Provided, however, That such other census shall not be a basis for the fixing of license fees as provided in article III, sections 405 and 439.

Potable Distilled Spirits

"Potable distilled spirits" shall mean and include any distillate from grains, wine, fruits, vegetables or molasses; except ethyl alcohol, capable of being used for beverage purposes.

"Regulation" shall mean any regulation prescribed by the board for carrying out the provisions of this act.

Regulation

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public, the place to have an area within a building of not less than four hundred square feet, equipped with tables and chairs accommodating at least thirty persons at one time.

Restaurant

"Retail dispenser" shall mean any person licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licensee, with the privilege of selling malt or brewed beverages in quantities not in excess of one hundred forty-four fluid ounces in a single sale to one person, to be carried from the premises by the purchaser thereof.

Retail Dispenser

"Sale" or "Sell" shall include any transfer of liquor, alcohol or malt or brewed beverages for a consideration.

Sale, Sell

"Whiskey" shall mean and include any alcoholic distillate from a fermented mash of grain, capable of being used for beverage purposes.

Whiskey

"Winery" shall mean and include any premises and plants where any alcohol or liquor is produced by the process by which wine is produced, or premises and plants wherein liquid such as wine is produced; and shall include the manufacture by distillation of alcohol from the by-products of wine fermentation when the alcohol so derived is used solely to fortify the fermented products, under such regulations as are or may be promulgated by the proper agency of the United States Government, and such alcohol, for that purpose only, may be sold or exchanged between wineries holding permits in this Commonwealth, without restriction.

Winery

Section 103. Saving Clause.—The provisions of this act, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments. The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded. The provisions of this act shall not affect any act done, liability incurred or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws. All regulations and rules made and all licenses and permits issued pursuant to any act repealed by this act shall continue with the same force and effect as if such act had not been repealed.

Saving Clause

Section 104. Interpretation of Act.—(a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare, health, peace and morals of the people of the Commonwealth and to prohibit forever the open saloon, and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose.

Police power

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions.

Provisions severable

visions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein.

Purpose is to prohibit transactions

(c) Except as otherwise expressly provided, the purpose of this act is to prohibit the manufacture of and transactions in liquor, alcohol and malt or brewed beverages which take place in this Commonwealth, except by and under the control of the board as herein specifically provided, and every section and provision of the act shall be construed accordingly. The provisions of this act dealing with the manufacture, importation, sale and disposition of liquor, alcohol and malt or brewed beverages within the Commonwealth through the instrumentality of the board and otherwise, provide the means by which such control shall be made effective. This act shall not be construed as forbidding, affecting or regulating any transaction which is not subject to the legislative authority of this Commonwealth.

Later statutes

(d) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence.

Section Headings

(e) Section headings shall not be taken to govern or limit the scope of the sections of this act. The singular shall include the plural and the masculine shall include the feminine and the neuter.

ARTICLE II.

PENNSYLVANIA LIQUOR CONTROL BOARD.

Pennsylvania Liquor Control Board created

Section 201. Appointment of Members; Terms; Salaries.—An independent administrative board to be known as the "Pennsylvania Liquor Control Board" is hereby created. The board shall consist of three members to be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate. Of the original members, one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years from the date of his appointment and until his successor shall have been appointed and qualified. Thereafter, all appointments shall be for terms of six years or until successors are appointed and qualified. Each member of the board shall receive an annual salary as fixed by law.

Appointment of members

Terms of office

Annual salary

Qualifications of members

Section 202. Qualifications of Members.—Each member of the board at the time of his appointment and qualification shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania, shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment, and shall be not less than thirty years of age.

No member of the board during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States.

Section 203. Chairman of Board.—The board shall elect one of its members as chairman. The chairman shall, when present, preside at all meetings, and in his absence a member designated by the chairman shall preside.

Chairman

Two members of the board shall constitute a quorum, and any action or order of the board shall require the approval of at least two members.

Quorum

Section 204. Secretary of Board.—The board may appoint a secretary to hold office at its pleasure. The secretary, if appointed, shall have such powers and shall perform such duties not contrary to law as the board shall prescribe, and shall receive such compensation as the board, with the approval of the Governor, shall determine. The secretary shall have power and authority to designate, from time to time, one of the clerks appointed by the board to perform the duties of the secretary during his absence and the clerk so appointed shall exercise, for the time so designated, the powers of the secretary of the board.

Secretary

Powers and Duties

Section 205. Bonds Required of Members and Secretary.—Before entering upon the duties of their respective offices or positions, each member of the board and the secretary shall execute and file with the State Treasurer a bond in such penal sum as shall be fixed by the Executive Board of this Commonwealth upon recommendation of the Governor, but the amount of any such bond shall not be less than ten thousand dollars (\$10,000). Bonds in such penal sums as shall be fixed by the Executive Board likewise shall be executed and filed with the State Treasurer by such employees of the Pennsylvania Liquor Control Board as the head of such board shall, with the approval of the Executive Board, prescribe. Such bonds shall be payable to the Commonwealth of Pennsylvania and shall be conditioned for the faithful performance of the members', secretary's or employees' duties imposed by law or by lawful authority and that the person bonded will not knowingly violate the provisions of this act. All bonds required to be given under this section shall, before being accepted by the State Treasurer, be approved by the Department of Justice, and unless the Commonwealth shall establish its own indemnity fund, all such bonds shall be given with security approved by the Department of Justice. If the Commonwealth shall establish its own indemnity fund, the Executive Board may, nevertheless, require any bond given hereunder to be executed by a surety or sureties satisfactory to the Department of Justice. The cost of such bonds required to be executed by a surety or sureties shall be borne by the board as part of its operating expense.

Bonds of members, secretary, and employees

Section 206. Board Subject to Administrative Code.—Except as otherwise expressly provided by law, the board shall be subject to all the provisions of The Administrative Code of one thousand nine hundred twenty-nine, as amended, which apply generally to independent administrative boards and commissions.

Board to be subject to provisions of Administrative Code

General powers
of Board

Section 207. General Powers of Board.—Under this act, the board shall have the power and its duty shall be:

Purchases

(a) To buy, import or have in its possession for sale, and sell liquor and alcohol in the manner set forth in this act: Provided, however, That all purchases shall be made subject to the approval of the Auditor General or his designated deputy.

Control

(b) (*As amended by Act 502 of January 14, 1952, P. L. 1863*) To control the manufacture, possession, sale, consumption, importation, use, storage, transportation and delivery of liquor, alcohol and malt or brewed beverages in accordance with the provisions of this act, and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania Liquor Stores: Provided, That in fixing sale prices, the board shall not give any preference or make any discrimination as to classes, brands or otherwise, except where special sales are deemed necessary to move unsaleable merchandise, or except where the addition of a service or handling charge to the fixed sales price of any merchandise in the same comparable price bracket, regardless of class, brand or otherwise, is, in the opinion of the board, required for the efficient operation of the State store system. The board shall require each Pennsylvania manufacturer and each nonresident manufacturer of liquors, other than wine, selling such liquors to the board, which are not manufactured in this Commonwealth, to make application for and be granted a permit by the board before such liquors not manufactured in this Commonwealth shall be purchased from such manufacturer. Each such manufacturer shall pay for such permit a fee which, in the case of a manufacturer of this Commonwealth, shall be equal to that required to be paid, if any, by a manufacturer or wholesaler of the state, territory or country of origin of the liquors, for selling liquors manufactured in Pennsylvania, and in the case of a nonresident manufacturer, shall be equal to that required to be paid, if any, in such state, territory or country by Pennsylvania manufacturers doing business in such state, territory or country. In the event that any such manufacturer shall, in the opinion of the board, sell or attempt to sell liquors to the board through another person for the purpose of evading this provision relating to permits, the board shall require such person, before purchasing liquors from him or it, to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer. All permit fees so collected shall be paid into the State Stores Fund. The board shall not purchase any alcohol or liquor fermented, distilled, rectified, compounded or bottled in any state, territory or country, the laws of which result in prohibiting the importation therein of alcohol or liquor, fermented, distilled, rectified, compounded or bottled in Pennsylvania.

Sales Permit

Reciprocal fee

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities.

State Store
location

Licenses

(d) (*As amended by Act 518 of January 13, 1966, P. L. 1301*) To grant, issue, suspend and revoke all licenses and permits authorized to be issued under this act and the regulations of the board and impose fines on licensees licensed under this act.

(e) Through the Department of Property and Supplies as agent; to lease and furnish and equip such buildings, rooms and other accommodations as shall be required for the operation of this act.

Lease
buildings

(f) To appoint, fix the compensation and define the powers and duties of such managers, officers, inspectors, examiners, clerks and other employes as shall be required for the operation of this act, subject to the provisions of The Administrative Code of 1929 and the Civil Service Act.

Employes

(g) To determine the nature, form and capacity of all packages and original containers to be used for containing liquor, alcohol or malt or brewed beverages.

Packages and
containers

(h) Without in any way limiting or being limited by the foregoing, to do all such things and perform all such acts as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this act and the regulations made thereunder.

Broad power

(i) From time to time, to make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act. The board shall cause such regulations to be published and disseminated throughout the Commonwealth in such manner as it shall deem necessary and advisable or as may be provided by law. Such regulations adopted by the board shall have the same force as if they formed a part of this act.

Regulations

Power to adopt

(j) (*As added by Act 583 of May 25, 1956, P. L. 1743*) To investigate, whenever any person complains, or when the board is aware that there is reasonable grounds to believe liquor or malt or brewed beverage is being sold on premises not licensed under the provisions of this act. If the investigation produces evidence of the unlawful sale of liquor or malt or brewed beverage or of any other violation of the provisions of this act, the board shall cause the prosecution of the person or persons believed to have been criminally liable for the unlawful acts. Any equipment or appurtenances actually used in the commission of the unlawful acts may be confiscated upon direction of the board. The confiscation by or under the direction of the board shall not, in any manner, divest or impair the rights or interest of any bona fide lien holder in the equipment or appurtenances, who had no knowledge that the same was being used in violation of this act.

Investigation
of unlicensed
places

Section 208. Specific Subjects on Which Board May Adopt Regulations.—Subject to the provisions of this act and without limiting the general power conferred by the preceding section, the board may make regulations regarding:

Regulation
Subjects

(a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor and alcohol are kept or sold, and the books and records to be kept therein.

Store
Operation

(b) The duties and conduct of the officers and employes of the board.

Employe
conduct

(c) The purchase, as provided in this act, of liquor and alcohol, and its supply to Pennsylvania Liquor Stores.

Purchase and
supply

Brands

(d) The classes, varieties and brands of liquor and alcohol to be kept and sold in Pennsylvania Liquor Stores.

Price lists

(e) The issuing and distribution of price lists for the various classes, varieties or brands of liquor and alcohol kept for sale by the board under this act.

Sealing and labeling

(f) *(As amended by Act 349 of February 17, 1956, P. L. 1078)* The sealing and labeling of liquor and alcohol sold under this act and of liquor and alcohol lawfully acquired by any person prior to January first, one thousand nine hundred thirty-four. This section shall not be construed to authorize the board to require that packages containing wine have affixed thereto the official seal of the board.

Forms

(g) Forms to be used for the purposes of this act.

Licensed places

(h) The issuance of licenses and permits and the conduct, management, sanitation and equipment of places licensed or included in permits.

Receipts

(i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue.

Solicitation of orders

(j) The solicitation by resident or nonresident vendors of liquor from Pennsylvania licensees and other persons of orders for liquor to be sold through the Pennsylvania Liquor Stores and, in the case of nonresident vendors, the collection therefrom of license fees for such privilege at the same rate as provided herein for importers' licenses.

Police power**Arrest on view**

Section 209. *(As amended by Act 243 of July 31, 1968, P.L.)* Officers and Investigators of the Board to be Peace Officers; Powers. Such employees of the Board as are designated "enforcement officers" or "investigators" are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view, except in private homes, without warrant, any person actually engaged in the unlawful sale, importation, manufacture or transportation, or having unlawful possession of liquor, alcohol or malt or brewed beverages, contrary to the provisions of this act or any other law of this Commonwealth. Such officers and investigators shall have power and authority, upon reasonable and probable cause, to search for and to seize without warrant or process, except in private homes, any liquor, alcohol and malt or brewed beverages unlawfully possessed, manufactured, sold, imported or transported, and any stills, equipment, materials, utensils, vehicles, boats, vessels, animals, aircraft, or any of them, which are or have been used in the unlawful manufacture, sale, importation or transportation of the same. Such liquor, alcohol, malt or brewed beverages, stills, equipment, materials, utensils, vehicles, boats, vessels, animals or

aircraft so seized shall be disposed of as hereinafter provided.

Enforcement Officers or Investigators may be retired upon reaching age sixty-five.

Section 210. Restrictions on Members of the Board and Employees of Commonwealth.—(a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor, alcohol, or malt or brewed beverages, whether as owner, part owner, partner, member of syndicate, shareholder, agent or employe, and whether for his own benefit or in a fiduciary capacity for some other person.

Restrictions
on members
and employes

Liquor
business

(b) No member or employe of the Board nor any employe of the Commonwealth shall solicit or receive, directly or indirectly, any commission, remuneration or gift whatsoever, from any person having sold, selling or offering liquor or alcohol for sale to the Board for use in Pennsylvania Liquor Stores.

Receiving
gifts, etc.

ARTICLE III.

PENNSYLVANIA LIQUOR STORES.

Section 301. (As amended by Act 161 of August 10, 1965, P. L. 306) Board to Establish State Liquor Stores.

State Stores
Location

—The board shall establish, operate and maintain at such places throughout the Commonwealth as it shall deem essential and advisable, stores to be known as "Pennsylvania Liquor Stores," for the sale of liquor and alcohol in accordance with the provisions of and the regulations made under this act. When the board shall have determined upon the location of a liquor store in any municipality, it shall give notice of such location by public advertisement in two newspapers of general circulation. In cities of the first class, the location shall also be posted for a period of at least fifteen days following its determination by the board as required in section 403 (g) of this act. The notice shall be posted in a conspicuous place on the outside of the premises in which the proposed store is to operate or, in the event that a new structure is to be built in a similarly visible location. If, within five days after the appearance of such advertisement, or of the last day upon which the notice was posted, fifteen or more taxpayers residing within a quarter of a mile of such location or the City Solicitor of the city of the first class, shall file a protest with the court of quarter sessions of the county averring that the location is objectionable because of its proximity to a church, a school, or to private residences, the court shall forthwith hold a hearing affording an opportunity to the protestants and to the board to present evidence. The court shall render its decision immediately upon the conclusion of the testimony and from the decision there shall be no appeal. If the court shall determine that the proposed location is undesirable for the reasons set forth in the protest, the board shall abandon it and find another location. The board may establish, operate and maintain such establishments for storing and testing liquors as it shall deem expedient to carry out its powers and duties under this act.

Protest

**Lease of
premises**

The board may lease the necessary premises for such stores or establishments, but all such leases shall be made through the Department of Property and Supplies as agent of the board. The board, through the Department of Property and Supplies, shall have authority to purchase such equipment and appointments as may be required in the operation of such stores or establishments.

**Selection of
personnel**

Section 302. Selection of Personnel.—Officers and employees of the board, except as herein otherwise provided, shall be appointed and employed subject to the provisions of the Civil Service Act.

**Store
management**

Section 303. Management of Pennsylvania Liquor Stores.—Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in the Civil Service Act who shall be known as the "manager" and who shall, under the directions of the board, be responsible for carrying out the provisions of this act and the regulations adopted by the board under this act as far as they relate to the conduct of such stores.

Section 304. When Sales May Be Made at Pennsylvania Liquor Stores.—Every Pennsylvania Liquor Store shall be open for business week days, except legal holidays or any day on which a general, municipal, special or primary election is being held, during such hours as the board, in its discretion, shall determine, but shall not be open longer than fourteen hours in any one day nor later than eleven o'clock post-meridian. The board may, with the approval of the Governor, temporarily close any store in any municipality.

**Sales by
Pennsylvania
Liquor stores**

Section 305. Sales by Pennsylvania Liquor Stores.—
(a) Every Pennsylvania Liquor Store shall keep in stock for sale such classes, varieties and brands of liquor and alcohol as the board shall prescribe. If any person shall desire to purchase any class, variety or brand of liquor or alcohol which any such store does not have in stock, it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board. The customer shall be notified immediately upon the arrival of the goods.

Special order

Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival, the store may place it in stock for general sale and the customer's deposit shall be forfeited.

Wholesale

(b) Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels, restaurants, clubs, and railroad, pullman and steamship companies licensed under this act; and, under the regulations of the board, to pharmacists duly licensed and registered under the laws of the Commonwealth, and to manufacturing pharmacists, and to reputable hospitals approved by the board, or chemists. The board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States, the National Formulary, or the American Homeopathic Pharmacopoeia. All other sales by such stores shall be at retail. No liquor shall be sold except for cash, except that the board may, by regulation,

authorize the acceptance of checks for liquor sold at wholesale. The board shall have power to designate certain stores for wholesale or retail sales exclusively.

(c) Whenever any checks issued in payment of liquor or alcohol purchased from State Liquor Stores by persons holding wholesale purchase permit cards issued by the board shall be returned to the board as dishonored, the board shall charge a fee of five dollars per hundred dollars or fractional part thereof, plus all protest fees, to the maker of such check submitted to the board. Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check shall be cause for revocation or suspension of any license issued by the board to the person who issued such check and the cancellation of the wholesale purchase permit card held by such person.

Dishonored checks

Failure to pay

(d) (As amended by Act 349 of February 17, 1956, P. L. 1078) No liquor or alcohol, except wine, shall be sold to any purchaser except in a package bearing the official seal of the board required by this act and no package shall be opened on the premises of a Pennsylvania Liquor Store. No manager or other employe of the board employed in a Pennsylvania Liquor Store shall allow any liquor or alcohol to be consumed on the store premises, nor shall any person consume any liquor or alcohol on such premises.

Official seal

Consumption in store

(e) The board may sell tax exempt alcohol to the Commonwealth of Pennsylvania and to persons to whom the board shall, by regulation to be promulgated by it, issue special permits for the purchase of such tax exempt alcohol.

Tax exempt alcohol

Such permits may be issued to the United States or any governmental agency thereof, to any university or college of learning, any laboratory for use exclusively in scientific research, any hospital, sanitarium, eleemosynary institution or dispensary; to physicians, dentists, veterinarians and pharmacists duly licensed and registered under the laws of the Commonwealth of Pennsylvania; to manufacturing chemists and pharmacists or other persons for use in the manufacture or compounding of preparations unfit for beverage purposes.

Permits

(f) (As amended by Act 316 of October 21, 1965, P. L. 642) Every purchaser of liquor or alcohol from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the price paid therefor, and such other information as the board may prescribe. Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by and shall form part of the records of such store.

Receipts

(g) The board is hereby authorized and empowered to adopt and enforce appropriate rules and regulations to insure the equitable wholesale and retail sale and distribution, through the Pennsylvania Liquor Stores, of available liquor and alcohol at any time when the demand therefor is greater than the supply.

Rationing

Section 306. Audits by Auditor General.—It shall be the duty of the Department of the Auditor General to make all audits which may be necessary in connection with the

Audits by Auditor General

administration of the financial affairs of the board and the Pennsylvania Liquor Stores operated and maintained by the board.

At least one audit shall be made each year of the affairs of the board, and all collections made by the Pennsylvania Liquor Stores shall be audited quarterly.

Special audits of the affairs of the board and the Pennsylvania Liquor Stores maintained and operated by the board may be made whenever they may, in the judgment of the Auditor General, appear necessary, and shall be made whenever the Governor shall call upon the Auditor General to make them.

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the board and to the Governor.

Unless the Department of the Auditor General shall neglect or refuse to make annual, quarterly or special audits, as hereinabove required, it shall be unlawful for the board to expend any money appropriated to it by the General Assembly for any audit of its affairs, except for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staff of the board.

ARTICLE IV.

LICENSES AND REGULATIONS; LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES.

(A) Liquor and Alcohol (Not Including Manufacturers).

Section 401. Authority to Issue Liquor Licenses to Hotels, Restaurants and Clubs.—(a) Subject to the provisions of this act and regulations promulgated under this act, the board shall have authority to issue a retail liquor license for any premises kept or operated by a hotel, restaurant or club and specified in the license entitling the hotel, restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and subject to the provisions of this act and the regulations made thereunder, to sell the same and also malt or brewed beverages to guests, patrons or members for consumption on the hotel, restaurant or club premises. Such licensees, other than clubs, shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than one hundred forty-four fluid ounces in a single sale to one person. Such licenses shall be known as hotel liquor licenses, restaurant liquor licenses and club liquor licenses, respectively. No person who holds, either by appointment or election, any public office which involves the duty to enforce any of the penal laws of the United States of America or the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any political subdivision of this Commonwealth shall be issued any hotel or restaurant liquor license, nor shall such a person have any interest, directly or indirectly, in any such license.

Authority to
Issue Hotel,
Restaurant
and Club
Liquor
Licenses

144 ounces for
off premises
consumption

Public office
involving penal
law enforce-
ment

(b) The board may issue to any club which caters to groups of non-members, either privately or for functions, a catering license, and the board shall, by its rules and regulations, define what constitutes catering under this subsection.

Catering Club
License

Section 402. License Districts; License Year; Hearings.—The board shall, by regulation, divide the State into convenient license districts and shall hold hearings on applications for licenses and renewals thereof, as it deems necessary, at a convenient place or places in each of said districts, at such times as it shall fix, by regulation, for the purpose of hearing testimony for and against applications for new licenses and renewals thereof. The board may provide for the holding of such hearings by examiners learned in the law, to be appointed by the Governor, who shall not be subject to the "Civil Service Act." Such examiners shall make report to the board in each case with their recommendations. The board shall, by regulation, fix the license year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State.

License Year;
Renewal

Hearing
Examiners

Expiration
Dates

Section 403. Applications for Hotel, Restaurant and Club Liquor Licenses.—(a) *(As amended by Act 553 of November 19, 1959, P. L. 1546 and Act 702 of September 28, 1961, P. L. 1728)* Every applicant for a hotel liquor license, restaurant liquor license or club liquor license or for the transfer of an existing license to another premises not then licensed shall file a written application with the board in such form and containing such information as the board shall from time to time prescribe, which shall be accompanied by a filing fee of twenty dollars (\$20), the prescribed license fee, and the bond hereinafter specified. Every such application shall contain a description of that part of the hotel, restaurant or club for which the applicant desires a license and shall set forth such other material information, description or plan of that part of the hotel, restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board. The descriptions, information and plans referred to in this subsection shall show the hotel, restaurant, club, or the proposed location for the construction of a hotel, restaurant or club, at the time the application is made, and shall show any alterations proposed to be made thereto, or the new building proposed to be constructed after the approval by the board of the application for a license or for the transfer of an existing license to another premises not then licensed. No physical alterations, improvements or changes shall be required to be made to any hotel, restaurant or club, nor shall any new building for any such purpose, be required to be constructed until approval of the application for license or for the transfer of an existing license to another premises not then licensed by the board. After approval of the application, the licensee shall make the physical alterations, improvements and changes to the licensed premises, or shall construct the new building in the manner specified by the board at the time of approval, and the licensee shall not transact any business under the license until the board has approved the completed physical alterations, improvements and changes

Application for
License

Filing fee
\$20.00

Proposed
building or
alterations

Prior
Approval

Transfer prohibited

to the licensed premises, or the completed construction of the new building as conforming to the specifications required by the board at the time of issuance or transfer of the license, and is satisfied that the establishment is a restaurant, hotel or club as defined by this act. The board may require that all such alterations or construction or conformity to definition be completed within six months from the time of issuance or transfer of the license. Failure to comply with these requirements shall be considered cause for revocation of the license. No such license shall be transferable between the time of issuance or transfer of the license and the approval of the completed alterations or construction by the board and full compliance by the licensee with the requirements of this act, except in the case of death of the licensee prior to full compliance with all of the aforementioned requirements, in which event, the license may be transferred by the board as provided in section 468 of this act for the transfer of the license in the case of death of the licensee.

**Citizenship
3 year residence**

(b) If the applicant is a natural person, his application must show that he is a citizen of the United States and has been a resident of this Commonwealth for at least two years immediately preceding his application.

Corporation**Citizenship
of officers,
directors,
stockholders
and manager**

(c) If the applicant is a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania, that all officers, directors and stockholders are citizens of the United States, and that the manager of the hotel, restaurant or club is a citizen of the United States.

**Application
affidavit**

(d) Each application shall be signed and verified by oath or affirmation by the owner, if a natural person, or, in the case of an association, by a member or partner thereof, or, in the case of a corporation, by an executive officer thereof or any person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of his authority.

Club membership list

(e) If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of the principal officers thereof. Every club applicant shall file with and as a part of its application a list of the names and addresses of its members, directors, officers, agents and employees, together with the dates of their admission, election or employment, and such other information with respect to its affairs as the board shall require.

**Operation for
benefit of
entire
membership**

(f) The board shall refuse to issue licenses to clubs when it appears that the operation of the licensed business would inure to the benefit of individual members, officers, agents or employees of the club, rather than to the benefit of the entire membership of the club.

**Notice of
application**

(g) (As amended by Act 553 of November 19, 1959, P. L. 1546) Every applicant for a new license or for the transfer of an existing license to another premises not then licensed shall post, for a period of at least fifteen days beginning with the day the application is filed with the board, in a conspicuous

place on the outside of the premises or at the proposed new location for which the license is applied, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. Proof of the posting of such notice shall be filed with the board.

(h) If any false statement is intentionally made in any part of the application, the affiant shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided by this article.

Section 404. (As amended by Act 260 of August 25, 1959, P.L. 746; Act 555 of November 19, 1959, P.L. 1550; Act 269 of July 10, 1961, P.L. 554; Act 663 of September 21, 1961, P.L. 1579 and Act 178 of October 9, 1967, P.L.)* Issuance of Hotel, Restaurant and Club Liquor Licenses. Upon receipt of the application, the proper fees and bond, and upon being satisfied of the truth of the statements in the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted, and that the applicant is a person of good repute, that the premises applied for meet all the requirements of this act and the regulations of the Board, that the applicant seeks a license for a hotel, restaurant or club, as defined in this act, and that the issuance of such license is not prohibited by any of the provisions of this act, the Board shall, in the case of a hotel or restaurant, grant and issue to the applicant a liquor license, and in the case of a club may, in its discretion, issue or refuse a license: Provided, however, That in the case of any new license or the transfer of any license to a new location the Board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the Board, or if such new license or transfer is applied for a place where the principal business is the sale of liquid fuels and oil: And provided further, That the Board shall refuse any application for a new license or the transfer of any license to a new location if, in the Board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed: And provided further, That the Board shall not

False statement a misdemeanor

Issuance of Licenses

Pecuniary interest

Repute

Discretionary for clubs

300' of church, etc.

200' of other license

Detriment of neighborhood

* Section 2 of Act 426 of December 16, 1965, P. L. 1106, provides "Trade show and convention licenses shall not be subject to the provisions of Section 404 except in so far as they relate to the reputation of the applicant."

Issue twice a year

New application filing date

New laws

Airport Restaurant

Discretion as to Felony

Hotel & Restaurant License Fees Graduated according to population

0-1,499, \$150

All except townships
1500-9,999, \$200
Townships
1,500-11,999,
\$200

All except townships
10,000-49,999,
\$300

Townships
12,000-49,999,
\$300

50,000-99,999,
\$400

100,000-149,999,
\$500

150,000-up,
\$600

issue new licenses in any license district more than twice each license year, effective from specific dates fixed by the Board, and new licenses shall not be granted, except for hotels as defined in this act, unless the application therefor shall have been filed at least thirty days before the effective date of the license: And provided further, That nothing herein contained shall prohibit the Board from issuing a new license for the balance of any unexpired term in any license district to any applicant in such district, who shall have become eligible to hold such license as the result of legislative enactment, when such enactment shall have taken place during the license term of that district for which application is made or within the thirty days immediately preceding such term, nor shall anything herein contained prohibit the Board from issuing at any time a new license for an airport restaurant, as defined in section 461 of this act, for the balance of the unexpired license term in any license district: And provided further, That the Board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license.

Section 405. License Fees.—(a) License fees for hotel and restaurant liquor licenses shall be graduated according to the population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located, as follows:

In municipalities having a population of less than fifteen hundred inhabitants, one hundred fifty dollars (\$150.00).

In municipalities, except townships, having a population of fifteen hundred and more but less than ten thousand inhabitants, and in townships having a population of fifteen hundred and more but less than twelve thousand inhabitants, two hundred dollars (\$200.00).

In municipalities, except townships, having a population of ten thousand and more but less than fifty thousand inhabitants, and in townships having a population of twelve thousand and more but less than fifty thousand inhabitants, three hundred dollars (\$300.00).

In those having a population of fifty thousand and more but less than one hundred thousand inhabitants, four hundred dollars (\$400.00).

In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants, five hundred dollars (\$500.00).

In those having a population of one hundred fifty thousand and more inhabitants, six hundred dollars (\$600.00).

(b) Every applicant for a club liquor license shall pay to the board a license fee of fifty dollars (\$50.00), except clubs to which catering licenses are issued, in which cases the license fees shall be the same as for hotels and restaurants located in the same municipality.

(c) All license fees authorized under this section shall be collected by the board for the use of the municipalities in which such fees were collected.

(d) *(As added by Act 348 of July 18, 1961, P. L. 790)*
Whenever any checks issued in payment of filing and/or license fees shall be returned to the board as dishonored, the board shall charge a fee of five dollars (\$5.00) per hundred dollars, or fractional part thereof, plus all protest fees, to the maker of such check submitted to the board. Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check, the license of such person if issued, shall immediately terminate and be cancelled without any action on the part of the board.

Section 406. *(As amended by Act 99 of May 27, 1957; P.L. 201; Act 781 of January 7, 1960, P.L. 2106; Act 639 of September 19, 1961, P.L. 1507; Act 642 of September 20, 1961, P.L. 1513; Act 183 of October 9, 1967, P.L. and Act 302 of November 30, 1967, P.L.)*

Sales by Liquor Licensees; Restrictions. (a) Every hotel, restaurant or club liquor licensee may sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons, and in the case of hotels, to guests, and in the case of clubs, to members, in their private rooms in the hotel or club. No club licensee nor its officers, servants, agents or employees, other than one holding a catering license, shall sell any liquor or malt or brewed beverages to any person except a member of the club. No club holding a catering license nor its officers, servants, agents or employees shall sell on Sunday to nonmembers any liquor or malt or brewed beverages. In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act, liquor and malt or brewed beverages may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel. For the purpose of this paragraph, any person who is an active member of another club which is chartered by the same state or national organization shall have the same rights and privileges as members of the particular club.

Club license fee \$50
Catering club license fee same as Hotel or Restaurant

License fees for municipal use

Dishonored checks

Sales of liquor

In private rooms

To nonmembers

On Sunday to nonmembers by entering clubs

**Hours of sale—
1st & 2nd class
cities**

Hotel liquor licensees and restaurant liquor licensees located in hotels in cities of the first and second class may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any day until two o'clock antemeridian of the following day, except Sunday, and may sell liquor and malt or brewed beverages on Sunday* between the hours of twelve o'clock midnight and two o'clock antemeridian and one o'clock postmeridian and ten o'clock postmeridian. Such Sunday sales shall be made subject to the restrictions imposed by the act on sales by hotels and restaurants in hotels for sales on week-days as well as this section.

**Referendum
necessary****Hours of sale—
other municipi-
palities**

Hotel and restaurant liquor licensees, other than those located in hotels in cities of the first and second class, their servants, agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any day and until two o'clock antemeridian of the following day, and shall not sell after two o'clock antemeridian on Sunday. No hotel, restaurant and public-service liquor licensee shall sell liquor and malt or brewed beverages after two o'clock antemeridian on any day on which a general, municipal, special or primary election is being held until one hour after the time fixed by law for closing the polls. No club licensee or its servants, agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day. No public service liquor licensee or its servants, agents or employes may sell liquor or malt or brewed beverages between the hours of two o'clock antemeridian and seven o'clock antemeridian on any day.

**Election day
sales****Public Service
Hours****Daylight
Saving Time**

(This paragraph is, in effect, repealed by Act 195 of August 26, 1965, P. L. 378.) Any hotel, restaurant, club or public service-liquor licensee may, by given notice to the board, advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold during such part of the year when daylight saving time is being observed generally in the municipality in which the place of business of such licensee is located. Any licensee who elects to operate his place of business in accordance with daylight saving time shall post a conspicuous notice in his place of business that he is operating in accordance with daylight saving time.

Posting notice

Notwithstanding any provisions to the contrary, whenever the thirty-first day of December falls on a Sunday, every hotel or restaurant liquor licensee, their servants, agents or employes may sell liquor and malt or brewed beverages on any such day after one o'clock postmeridian and until two o'clock antemeridian of the following day.

**Petition for
referendum**

(b) (As amended by Act 18 of February 21, 1961, P. L. 45) When at least twenty-five thousand registered electors in any city of the first or second class shall file a petition with

* Section 2 of amending Act 781 provides: This act shall take effect immediately but the sale of liquor and malt or brewed beverages on Sunday in hotels in cities of the first and second class shall not be permitted in any city until after a majority of electors voting in such city of the first or second class vote in favor of such sale under the referendum provisions of Section 40G.

the county board of elections of the county for a referendum on the question of determining the will of the electors with respect to the authorization of the sale of liquor and malt or brewed beverages during certain hours on Sunday in hotels, the county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions in so far as such provisions are applicable. Such question shall be in the following form:

Do you favor the authorization of the sale of liquor and malt or brewed beverages on Sunday in hotels between the hours of one o'clock postmeridian and ten o'clock postmeridian?	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of each county in which cities of the first and second class are established. A sufficient number of ballots shall be furnished to the election officers in each election district of such counties so that one ballot may be supplied to each voter at such election. In districts where voting machines are used, such question shall appear on the face of the machine, where the machine is properly equipped for such purposes.

(c) The votes cast on such question shall be counted by the election officers and returns thereof made by them, and by election officers where voting machines are used, to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns. The return board shall compute the said returns by municipalities and certify the results of the vote cast on the question to the Pennsylvania Liquor Control Board.

(d) *(As amended by Act 18 of February 21, 1961, P. L. 45)* In any city of the first or second class, the will of the electors with respect to the authorization of the sale of liquor and malt or brewed beverages during certain hours on Sunday in hotels may, after the year 1960, but not oftener than once in four years, be ascertained and the question as provided in this act shall be submitted to the electors of any city of the first or second class, when at least twenty-five thousand registered electors in the city of the first or second class, shall file a petition with the county board of elections of the county for a referendum on said question. Such petition shall be filed with the corporate authorities at least sixty days before the day of any election at which the question is to be submitted, and, if the petition is sufficiently signed, shall thereupon be certified to the county commissioners, who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year 1961. If a majority of the electors voting in any city of the first or second class vote "yes", authorization of the

Once in 4 years

Majority vote

sale of liquor and malt or brewed beverages during certain hours on Sunday in hotels shall be granted by the Pennsylvania Liquor Control Board, but if a majority of the electors voting on such question vote "no", then the authorization shall be withdrawn.

(e) It is the intent of this act to provide a method whereby the will of the electors of each city with respect to the authorization of the sale of liquor and malt or brewed beverages during certain hours on Sunday in hotels may be ascertained, and it shall be the duty of the Pennsylvania Liquor Control Board to grant such authorization in accordance with the will of the electors, as ascertained at said election. In case of failure of the board to do so, the duty herein imposed upon the board may be enforced by mandamus.

(f) The provisions of this section shall be applicable only to those hotels whose sales of food and nonalcoholic beverages are equal to fifty-five per centum or more of the combined gross sales of both food and alcoholic beverages.

(g) The provisions of this section shall be applicable only to those rooms in hotels customarily used for the serving of food.

(h) The board is specifically given power, without limiting the power conferred by other sections, to make such rules and regulations as it deems necessary to insure compliance with and the enforcement of the provisions of this section.

Section 407. Sale of Malt or Brewed Beverages by Liquor Licensees.—Every liquor license issued to a hotel, restaurant, club, or a railroad, pullman or steamship company under this subdivision (A) for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor, except that licensees other than clubs may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than one hundred forty-four fluid ounces in a single sale to one person. No licensee under this subdivision (A) shall at the same time be the holder of any other class of license, except a retail dispenser's license authorizing the sale of malt or brewed beverages only.

Section 408. Public Service Liquor Licenses.—(a) Subject to the provisions of this act and regulations promulgated under this act, the board, upon application, shall issue retail liquor licenses to railroad or pullman companies permitting liquor and malt or brewed beverages to be sold in dining, club or buffet cars to passengers for consumption while enroute on such railroad, and may issue retail liquor licenses to steamship companies permitting liquor or malt or brewed beverages to be sold in the dining compartments of steamships or vessels wherever operated in the Commonwealth, except when standing or moored in stations, terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited. Such licenses shall be known as public service liquor licenses. The board

Board duty

55% food sales

Rooms for
Sunday sales

Regulations

Sale of Malt
or Brewed
Beverages

For off
premises
consumption

Public Service
Licenses

Master licenses

may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day. Such licensees shall file monthly reports with the board showing the maximum number of cars operated in any one day during the preceding month, and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated.

Monthly
reports

(b) For the purpose of considering an application by a steamship company for a public service liquor license, the board may cause an inspection of the steamship or vessel for which a license is desired. The board may, in its discretion, grant or refuse the license applied for and there shall be no appeal from its decision, except that an action of mandamus may be brought against the board in the manner provided by law.

Inspection

No appeal;
Mandamus

(c) Every applicant for a public service liquor license shall, before receiving such license, file with the board a surety bond as hereinafter prescribed, pay to the board for each of the maximum number of dining, club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars (\$20.00), and for each steamship or vessel for which a license is desired an annual fee of one hundred dollars (\$100.00).

Fee \$20 per
car \$100 per
vessel

(d) Unless previously revoked, every license issued by the board under this section shall expire and terminate on the thirty-first day of December, in the year for which the license is issued. Licenses issued under the provisions of this section shall be renewed annually, as herein provided, upon the filing of applications in such form as the board shall prescribe, but no license shall be renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee specified in this section.

Expiration

Renewal

(e) (As amended by Act 639 of September 19, 1961, P. L. 1507) Except as otherwise specifically provided, sales of liquor and malt or brewed beverages by the aforesaid public service company licensees shall be made in accordance with, and shall be subject to, the provisions of this act relating to the sale of liquors by restaurant licensees.

Sales

Section 408.1. (As added by Act 426 of December 16, 1965, P. L. 1106) * **Trade Show and Convention Licenses.**

(a) (As amended by Act 247 of November 17, 1967, P. L.) The Board is authorized to issue a license in any city of the first or second class for the retail sale of liquor and malt or brewed beverages by the glass, open bottles or other container or in any mixture for consumption in any restaurant or other appropriate location on

* Section 2 of Act 426 of December 16, 1965, P. L. 1106, provides "Trade show and convention licenses shall not be subject to the provisions of Section 404 except in so far as they relate to the reputation of the applicant. . . ."

city-owned premises or on premises of an authority created under the act of July 29, 1953 (P.L. 1034), known as the "Public Auditorium Authorities Law" customarily used or available for use for trade shows and conventions. Any concessionaire selected and certified by the city or its authorized agency or by the authority may apply for a license.

(b) The application for a trade show and convention license may be filed at any time and shall conform with all requirements for restaurant liquor license applications except as may be otherwise provided herein. The applicant shall submit such other information as the board may require. Application shall be in writing on forms prescribed by the board and shall be signed and submitted to the board by the applicant. The filing fee which shall accompany the trade show and convention license application shall be twenty dollars (\$20).

(c) Upon receipt of the application in proper form and the application fee, and upon being satisfied that the applicant is of good repute and financially responsible and that the proposed place of business is proper, the board shall issue a license to the applicant.

(d) (As amended by Act 247 of November 17, 1967, P.L.) The license shall be issued for the same period as provided for restaurant licenses and shall be renewed as in section 402. The license shall terminate upon revocation by the Board or upon termination of the contract between the concessionaire and the city or authority.

(e) The annual fee for a trade show and convention license shall be six hundred dollars (\$600), and shall accompany the application for the license. Whenever a concessionaire's contract terminates the license shall be returned to the board for cancellation and a new license shall be issued to a new applicant.

(f) The penal sum of the bond which shall be filed by an applicant for a trade show and convention license pursuant to section 465 of this article shall be two thousand dollars (\$2,000) and in addition thereto he shall file an additional bond in a sum to assure payment of any suspension of license up to one hundred days.

(g) (As amended by Act 247 of November 17, 1967, P.L.) Sales by the holder of a trade show and convention license may be made except to those persons prohibited under clause (1) of section 493 of this act on city-owned or authority-owned, leased or operated premises customarily used or available for use for trade shows and conventions during the hours in which the convention or trade show is being held and up to one hour after the scheduled closing, and at functions which are incidental to or a part of the trade show or convention, but such sales may not be made beyond the hours expressed in the act for the sale of liquor by restaurant li-

censees: Provided, however, That during the hours expressed in this act for the sale of liquor by hotel licensees, sales of such liquor or malt or brewed beverages may be made by said licensee at banquets, not incidental to trade shows or conventions, at which more than two thousand persons are scheduled to attend, and at functions irrespective of attendance, which are directly related to the Philadelphia Commercial Museum or the Center for International Visitors: And provided further, That no such sale shall be made at any sporting, athletic or theatrical event.

(b) *(As amended by Act 247 of November 17, 1967, P.L.)* Whenever a contract is terminated prior to the expiration date provided in the contract between the city or authority and the concessionaire, the city or authority may select and certify to the Board a different concessionaire which concessionaire shall apply to the Board for a new license. If the applicant meets the requirements of the Board as herein provided, a new license shall thereupon be issued.

(i) If any trade show and convention license is suspended, the offer in compromise shall be accepted at the same rate as provided for existing restaurant liquor licenses not in excess of one hundred days. If any trade show and convention license is revoked, the board shall issue a new license to any qualified applicant without regard to the prohibition in section 471 against the grant of a license at the same premises for a period of at least one year.

Section 409. Sacramental Wine Licenses; Fees; Privileges; Restrictions.—(a) Subject to the provisions of this act in general and more particularly to the following provisions of this section, the board shall issue sacramental wine licenses to qualified applicants.

(b) *(As amended by Act 702 of September 28, 1961, P. L. 1728)* Every applicant for a sacramental wine license shall file a written application with the board in such form as the board shall from time to time prescribe, which shall be accompanied by a filing fee of twenty dollars (\$20), a license fee of one hundred dollars, and a bond as hereinafter prescribed. Every such application shall contain a description of the premises for which the applicant desires a license and shall set forth such other material information as may be required by the board.

(c) If the applicant is a natural person, his application must show that he is a citizen of the United States and a resident of this Commonwealth. If the applicant is an association or partnership, each and every member of the association or partnership must be a citizen of the United States and a resident of this Commonwealth. If the applicant

**Sacramental
Wine**

Application

**Filing fee \$20
License fee \$100**

Citizenship

is a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania, and that all officers, directors and stockholders are citizens of the United States.

Purchasers

(d) Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes, only, and bottle and sell the same to priests, clergymen and rabbis for use in the cathedral, church, synagogue or temple, or for sustaining members of the congregation or members of the faith who attend religious services, duly certified by such priests, clergymen or rabbis. The sale and use of wine for sacramental or religious purposes shall be subject to and in accordance with the regulations of the board.

Sales

(e) (*As amended by Act 349 of February 17, 1956, P. L. 1078*) Any wine purchased under the authority of this section shall not be used for any other than sacramental or religious purposes. Sacramental wine may not be sold by any person except the holder of a sacramental wine license.

Religious use**Records**

(f) Every sacramental wine licensee shall maintain on the licensed premises such records as the board may prescribe. No deliveries of sacramental wine shall be made unless and until an order therefor is on file at the principal place of business in Pennsylvania. All shipments into Pennsylvania of wine to be used for sacramental or religious purposes shall be consigned to the principal place of business maintained by the licensee.

Delivery**Suspension or revocation**

(g) Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to liquor and alcohol. The procedure in such cases shall be the same as for the revocation and suspension of hotel, restaurant and club licenses.

Importers

Section 410. Liquor Importers' Licenses; Fees; Privileges; Restrictions.—(a) Subject to the provisions of this act in general and more particularly to the following provisions of this section, the board shall issue liquor importers' licenses to qualified applicants.

Application

(b) (*As amended by Act 702 of September 28, 1961, P. L. 1728*) Every applicant for an importer's license shall file a written application with the board in such form as the board shall from time to time prescribe, which shall be accompanied by a filing fee of twenty dollars (\$20), a license fee of one hundred dollars, and a bond as hereinafter required. Every such application shall contain a description of the principal place of business for which the applicant desires a license and shall set forth such other material information as may be required by the board.

Filing fee \$20
License fee
\$100

Warehouse in
same municipality

(c) (*As amended by Act 702 of September 28, 1961, P. L. 1728*) The holder of an importer's license may have included in such license one warehouse wherein only his liquor may be kept and stored, located in the same municipality in which

his licensed premises is situate, and not elsewhere, unless such licensee secures from the board a license for each additional storage warehouse desired. The board is authorized and empowered to issue to a holder of an importer's license a license for an additional storage warehouse or warehouses located in this Commonwealth, provided such licensed importer files with the board a separate application for each warehouse in such form and containing such information as the board may from time to time require, accompanied by a filing fee of twenty dollars (\$20), a license fee of twenty-five dollars, and a bond of an approved surety company in the amount of ten thousand dollars. Such bond shall contain the same provisions and conditions as are required in the other license bonds under this article.

(d) If the applicant is a natural person, his application must show that he is a citizen of the United States and a resident of this Commonwealth. If the applicant is an association or partnership, each and every member of the association or partnership must be a citizen of the United States and a resident of this Commonwealth. If the applicant is a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania, and that all officers, directors and stockholders are citizens of the United States.

(e) Importers' licenses shall permit the holders thereof to bring or import liquor from other states, foreign countries, or insular possessions of the United States, and purchase liquor from manufacturers located within this Commonwealth, to be sold outside of this Commonwealth or to Pennsylvania Liquor Stores within this Commonwealth, or when in original containers of ten gallons or greater capacity, to licensed manufacturers within this Commonwealth.

All importations of liquor into Pennsylvania by the licensed importer shall be consigned to the Pennsylvania Liquor Control Board or the principal place of business or authorized place of storage maintained by the licensee.

(f) Every importer shall maintain on the licensed premises such records as the board may prescribe. Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to liquor and alcohol. The procedure in such cases shall be the same as for the revocation and suspension of hotel, restaurant and club licenses.

Section 411. Interlocking Business Prohibited.—(a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a hotel, restaurant or club liquor license, nor be the owner, proprietor or lessor of any place covered by any hotel, restaurant or club liquor license.

(b) No manufacturer, importer or sacramental wine licensee, and no officer or director of a manufacturer, importer or sacramental wine licensee shall own any stock or have

**Additional
warehouse
application**

**Filing fee \$20
License fee \$25
Bond \$10,000**

**Citizenship
Resident**

Purchases

Sales

**Records
Revocation or
suspension**

**Interlocking
Business**

**Manufacturer,
Retail Liquor
licensee**

**Manufacturer,
etc., financial
interest in
hotel or res-
taurant**

any financial interest in any hotel or restaurant licensed under this act.

**Ownership or
leasehold of
property**

**Lend money,
credit, guaran-
tee note, etc.**

**Ownership of
property or
mortgage**

Loans, credit

**Ownership of
property**

Loans, credit

(c) Excepting as herein provided, no manufacturer, or officer, director, stockholder, agent or employe of a manufacturer shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, for which a hotel, restaurant or club license is granted; nor shall a manufacturer, importer or sacramental wine licensee, or officer, director, stockholder, agent or employe of a manufacturer, importer or sacramental wine licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof to, or guarantee the payment of any bond, mortgage, note or other obligation of, any hotel, restaurant or club licensee, his servant, agent or employe, for equipping, fitting out, or maintaining and conducting, either in whole or in part, a hotel, restaurant or club licensed for the selling of liquor for use and consumption upon the premises.

(d) Excepting as herein provided, no hotel licensee, restaurant licensee or club licensee, and no officer, director, stockholder, agent or employe of any such licensee shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, used by a manufacturer in manufacturing liquor or malt or brewed beverages; nor shall any hotel, restaurant or club licensee, or any officer, director, stockholder, agent or employe of any such licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof, to any manufacturer, for equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment used for the manufacture of liquor or malt or brewed beverages.

(e) Except as herein provided, no hotel, restaurant or club licensee, and no officer, director or stockholder, agent or employe of any such licensee shall in any wise be interested, directly or indirectly, in the ownership or leasehold of any property, or the equipment of any property, or any mortgage lien against the same, used by a distributor, importing distributor, retail dispenser, or by an importer or sacramental wine licensee, in the conduct of his business; nor shall any hotel, restaurant or club licensee, or any officer, director, stockholder, agent or employe of any such licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof, to any distributor, importing distributor, retail dispenser, importer or sacramental wine licensee, for equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment used in the conduct of his business.

The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant liquor licenses and, as herein provided, of club licenses, issued under this article, and

no person shall, by any device whatsoever, directly or indirectly, evade the provisions of the section. But in view of existing economic conditions, nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this article after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to July eighteenth, one thousand nine hundred thirty-five: Provided, however, That this clause shall not prohibit any hotel, restaurant or club liquor licensee from owning land which is leased to, and the buildings thereon owned by, a holder of a retail dispenser's license; and nothing in this clause shall prevent the issuance of a retail dispenser's license to a lessee of such lands who owns the buildings thereon.

(B) Malt and Brewed Beverages (Including Manufacturers).

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.—(a) (*As amended by Act 182 of August 17, 1965, P. L. 346.*)

The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor, pays the licensee fee hereinafter prescribed, and files the bond hereinafter required, a manufacturer's license to produce and manufacture malt or brewed beverages, and to transport, sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage, only in original containers, in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately anywhere within the Commonwealth. Licenses for places of storage shall be limited to those maintained by manufacturers on July eighteenth, one thousand nine hundred thirty-five, and the board shall issue no licenses for places of storage in addition to those maintained on July eighteenth, one thousand nine hundred thirty-five. The application for such license shall be in such form and contain such information as the board shall require. All such licenses shall be granted for the calendar year. Every manufacturer shall keep at his or its principal place of business within the Commonwealth daily permanent records which shall show, (1) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored, (2) the sales of malt or brewed beverages, (3) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee, and (4) the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board, at any and all times of the day or night, as they may deem necessary, for the detection of violations of this act or of the rules and regulations

Land ownership

Manufacturers' Licenses

Minimum Sale

Places of storage

Application

Records

Inspection

Detection of violations

Correctness
of records

Right to enter

Distributor's
or Importing
Distributor's
License

Minimum Sale

Discretion as
to Felonies

Purchases

Territorial
distributing
rights—
Out of State
brewer

of the board, or for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.

(b) *As amended by Act 391 of January 14, 1952, P.L. 2089; Act 471 of October 23, 1959, P.L. 1360; Act 182 of August 17, 1965, P.L. 346 and Act 179 of October 9, 1967, P.L. 1360.*) The Board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consumption on the premises where sold, and in quantities of not less than twenty-four containers, each container holding seven fluid ounces or more, or twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately and such containers to be the original containers as prepared for the market by the manufacturer at the place of manufacture. And provided further, That the Board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license.

Except as hereinafter provided, such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this article.

Each out of State manufacturer of malt or brewed beverages whose products are sold and delivered in this Commonwealth shall give distributing rights for such products in designated geographical areas to specific importing distributors, and such importing distributor shall not sell or deliver malt or brewed beverages manufactured by the out of State manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located

within the geographical area for which he has been given, distributing rights by such manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer.

When a Pennsylvania manufacturer of malt or brewed beverages licensed under this article names or constitutes a distributor or importing distributor as the primary or original supplier of his product, he shall also designate the specific geographical area for which the said distributor or importing distributor is given distributing rights, and such distributor or importing distributor shall not sell or deliver the products of such manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which distributing rights have been given to the distributor and importing distributor by the said manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer. Nothing herein contained shall be construed to prevent any manufacturer from authorizing the importing distributor holding the distributing rights for a designated geographical area from selling the products of such manufacturer to another importing distributor also holding distributing rights from the same manufacturer for another geographical area, providing such authority be contained in writing and a copy thereof be given to each of the importing distributors so affected.

(c) (As amended by Act 591 of January 14, 1952, P.L. 2089; Act 179 of October 9, 1967, P.L. ; Act 432 of January 18, 1968, P.L. and Act 199 of July 20, 1968, P.L. ; and Act 110 of May 5, 1970, P.L.) The aforesaid licenses shall be issued only to reputable individuals, partnerships and associations who are, or whose members are, citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania. Such licenses shall be issued to corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application, and that at least fifty-one per centum of the capi-

**Territorial
distributing
rights—
Penna. brewer**

Citizenship

**Residents of
Pa.**

**Officers and
Directors of
Corporation**

**Stock owner-
ship**

Exception to Residence Requirements

tal stock of such corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application: Provided, That the provisions of this subsection with respect to residence requirements shall not apply to individuals, partners, officers, directors and owners of capital stock, of corporations licensed or applying for licenses and as manufacturers of malt or brewed beverages, nor shall the provisions of this subsection with respect to stockholder requirements apply to corporations licensed or applying for licenses as manufacturers of malt or brewed beverages.

Retail license

Section 432. Malt and Brewed Beverages Retail Licenses.—(a) Subject to the restrictions hereinafter provided in this act, and upon being satisfied of the truth of the statements in the application, that the premises and the applicant meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a reputable hotel, eating place or club, as defined in this act, the board shall, in the case of a hotel or eating place, grant and issue, and in the case of a club may, in its discretion, issue or refuse the applicant a retail dispenser's license.

Discretionary to issue club license

Citizenship

Residents of Pa.

(b) In the case of hotels and eating places, licenses shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania, all of whose officers and directors are citizens of the United States. In the case of incorporated clubs, licenses shall be issued only to those incorporated under the laws of Pennsylvania.

Local option restriction

(c) (As amended by Act 619 of January 19, 1952, P. L. 2170) No retail dispenser's licenses shall be granted or renewed upon their expiration in any municipality in which the electors shall vote, as hereinafter provided, against the licensing therein of places where malt or brewed beverages may be sold for consumption on the premises where sold.

Discretion to issue when within 300' of church, etc.

(d) (As amended by Act 244 of June 19, 1961, P. L. 482 and Act 177 of October 9, 1967, P. L.) The Board shall, in its discretion, grant or refuse any new license or the transfer of any license to a new location if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board, or if such new license or transfer is applied for a place where the principal business conducted is the sale of liquid fuels and oil. The board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place to be licensed. The board shall not issue new

200' of other license

Detriment of neighbor

When issued

Revised June, 1970

licenses, except as herein otherwise provided, in any license district more than twice each license year, effective from specific dates fixed by the board, and new licenses shall not be granted unless the application therefor shall have been filed at least thirty days before the effective date of the license. Nothing herein contained shall prohibit the board from issuing a new license for the balance of any unexpired term in any license district to any applicant in such district, who shall have become eligible to hold such license as the result of legislative enactment, when such enactment shall have taken place during the license term of that district for which application is made, or within the thirty days immediately preceding such term: And provided further, That the Board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license.

(e) *(As amended by Act 244 of June 19, 1961, P. L. 482)* Every applicant for a new or for the transfer of an existing license to another premises not then licensed shall post, for a period of at least fifteen days beginning with the day the application is filed with the board, in a conspicuous place on the outside of the premises or in a window plainly visible from the outside of the premises for which the license is applied or at the proposed new location, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. Proof of the posting of such notice shall be filed with the board.

Section 433. Public Service Licenses.—The board may issue public service malt and brewed beverage licenses to a railroad, pullman or steamship company permitting malt or brewed beverages to be sold at retail in dining, club or buffet cars, or the dining compartments of steamships or vessels, for consumption on the trains, steamships or vessels wherever operated in the State, except when standing in stations or terminals within a municipality wherein retail sales are prohibited. Such licenses shall only be granted to reputable persons and for fit places. The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day. Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding month, and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated. The board shall have the power to suspend or revoke any such licenses for cause after granting a hearing thereon to the licensee. Any person aggrieved by the decision of the board in refusing, suspending or revoking any such license may appeal to the court of quarter sessions of Dauphin County in the same manner as provided in this article for appeals from refusals of licenses.

Filing time

New laws

Discretion as to Felonies

Notice to be posted

**Proof of posting
Public Service License**

Privileges

Master license

Revocation

Appeal

**Stadium or
Arena Permits****Seating
accommo-
dations****Cities of
Second Class****Sales****Application****Reputation
Citizenship****Residents of
Pa.****Fees
Bond****Permit
period**

Section 433.1. (As added by Act 275 of July 10, 1961 P.L. 561) **Stadium or Arena Permits.** (a) (As amended by Act 247 of November 17, 1967, P.L.) The Board is hereby authorized to issue, in cities of the first and second class, special permits allowing the holders thereof to make retail sales of malt or brewed beverages in shatterproof containers at all events on premises principally utilized for competition of professional and amateur athletes and other types of entertainment having an available seating capacity of twelve thousand or more. Provided, however, That in cities of the second class this section shall be applicable only to premises owned, leased or operated by any authority created under the act of July 29, 1953 (P.L. 1034), known as the "Public Auditorium Authorities Law." Such sales may be made only to adults and only on days other than Sunday when the premises are so used and only during the period from one hour before the start of and ending one-half hour after the close of the event on the premises.

(b) (As amended by Act 247 of November 17, 1967 P.L.) The owner or lessee or a concessionaire of any such premises may make application for a permit. The aforesaid permits shall be issued only to reputable individuals, partnerships and associations, who are or whose members are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania, all of whose officers and directors are citizens of the United States. Each applicant shall furnish proof satisfactory to the Board that he is of good repute and financially responsible and that the premises upon which he proposes to do business is a proper place. The applicant shall submit such other information as the Board may require. Applications shall be in writing on forms prescribed by the Board, and signed and sworn to by the applicant. Every application shall be accompanied by an application fee of twenty-five dollars (\$25), a permit fee of one hundred dollars (\$100) and a surety bond in the amount of one thousand dollars (\$1000) conditioned the same as the license bonds required by this act for retail dispense licenses.

(c) (As amended by Act 247 of November 17, 1967 P.L.) Upon receipt of the application in proper form, the application fee, the permit fee and bond, and upon being satisfied that the applicant is of good repute and financially responsible and that the proposed place of business is proper, the Board shall issue a special per-

mit to the applicant. Only one permit issued under this section shall be in effect on any such premises at any time.

(d) (As amended by Act 247 of November 17, 1967, P. L.) No permit shall be transferable or assignable. The Board may by regulation fix the permit year and provide for the renewal of such permits. Whenever a permit is revoked, another may be issued for the same premises to another applicant upon compliance with the provisions of this section.

(e) The board shall have the power to refuse the issuance of any permit for cause, and to revoke or suspend any permit for cause or for any violation of the liquor or malt and brewed beverage laws. Any applicant or holder of a permit aggrieved by any ruling of the board or by its refusal to issue a permit, or by its suspension or revocation thereof, shall have the right to a hearing and appeal therefrom in the same manner as provided in sections 464 and 471 of this act authorizing appeals from orders of the board.

Section 434. License Year.—(a) Licenses issued under this article to distributors, importing distributors and retail dispensers shall, unless revoked in the manner provided in this act, be valid for the license year which may be established by the board for the particular license district in which the license issues.

(b) Malt or brewed beverage licenses issued under this article to manufacturers and public service companies shall, unless revoked in the manner herein provided, be valid for the calendar year for which they are issued. Licenses to such manufacturers and public service companies may be issued at any time during a calendar year.

Section 435. (As amended by Act 702 of September 28, 1961, P. L. 1728) Filing of Applications for Distributors', Importing Distributors' and Retail Dispensers' Licenses; Filing Fee.—Every person intending to apply for a distributor's, importing distributor's or retail dispenser's license, as aforesaid, in any municipality of this Commonwealth, shall file with the board his or its application. All such applications shall be filed at a time to be fixed by the board for the particular license district as set up by the board under the provisions of this act. The applicant shall, at the time of filing the application and bond, pay said board the filing fee of twenty dollars (\$20), as hereinafter specified.

Section 436. (As amended by Act 244 of June 19, 1961, P. L. 482) Application for Distributors', Importing Distributors' and Retail Dispensers' Licenses.—Application for distributors', importing distributors' and retail dispensers' licenses, or for the transfer of an existing license to another premises not then licensed, shall contain or have attached thereto the following information and statements:

Transfer not permitted

Refusal, revocation, suspension

Appeal

License district to be established

Filing of application

Filing date

Contents of Application

(a) The name and residence of the applicant and how long he has resided there, and if an association, partnership or corporation, the residences of the members, officers and directors for the period of two years next preceding the date of such application.

(b) (*As amended by Act 244 of June 19, 1961, P. L. 482 and Act 101 of June 29, 1965, P. L. 151*) The particular place for which the license is desired and a detailed description thereof. The description, information and plans referred to in this subsection shall show the premises or the proposed location for the construction of the premises at the time the application is made, and shall show any alterations proposed to be made thereto, or the new building proposed to be constructed after the approval by the board of the application for a license, or for the transfer of an existing license to another premises not then licensed. No physical alterations, improvements or changes shall be required to be made to any hotel, eating place or club, nor shall any new building for any such purpose be required to be constructed until approval of the application for license or for the transfer of an existing license to another premises not then licensed by the board. After approval of the application, the licensee shall make the physical alterations, improvements and changes to the licensed premises, or shall construct the new building in the manner specified by the board at the time of approval. The licensee shall not transact any business under the license until the board has approved the completed physical alterations, improvements and changes of the licensed premises or the completed construction of the new building as conforming to the specifications required by the board at the time of issuance or transfer of the license and is satisfied that the premises meet the requirements for a distributor's or importing distributor's license as set forth in this act or that the establishment is an eating place, hotel, or club as defined by this act. The board may require that all such alterations or construction or conformity to definition be completed within six months from the time of issuance or transfer of the license. Failure to comply with these requirements shall be considered cause for revocation of the license. No such license shall be transferable between the time of issuance or transfer of the license and the approval of the completed alterations or construction by the board and full compliance by the licensee with the requirements of this act, except in the case of death of the licensee prior to full compliance with all of the aforementioned requirements, in which event the license may be transferred by the board as provided in section 468 of this act for the transfer of the license in the case of death of the licensee.

**Proposed
building or
alterations**

**Transfer
prohibited**

(c) Place of birth of applicant, and if a naturalized citizen, where and when naturalized, and if a corporation organized or registered under the laws of the Commonwealth, when and

where incorporated, with the names and addresses of each officer and director, all of whom shall be citizens of the United States; if the application is for a distributor's or importing distributor's license and the applicant therefor is a corporation, the application shall also contain a statement of facts showing the qualifications of the corporation, as hereinbefore required, together with the names and addresses of all stockholders.

(d) Name of owner of premises and his residence.

(e) That the applicant is not, or in case of a partnership or association, that the members or partners are not, and in the case of a corporation, that the officers and directors are not, in any manner pecuniarily interested, either directly or indirectly, in the profits of any other class of business regulated under this article, except as hereinafter permitted.

(f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed, and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted.

(g) Whether applicant, or in case of a partnership or association, any member or partner thereof, or in case of a corporation, any officer or director thereof, has during the three years immediately preceding the date of said application had a license for the sale of malt or brewed beverages or spirituous and vinous liquors revoked, or has during the same period been convicted of any criminal offense; and if so, a detailed history thereof.

(h) A full description of that portion of the premises for which license is asked, and if any other business is to be conducted concurrently with the sale and distribution of malt or brewed beverages, a full history of such business, relating the nature thereof, the length of time it has so previously been conducted by the applicant or his predecessor at such location, and such additional information as the board may require.

(i) Every club applicant shall file with and as a part of its application a list of the names and addresses of its members, directors, officers, agents and employes, together with the dates of their admission, election or employment, and such other information with respect to its affairs as the board shall require.

(j) The application must be verified by affidavit of applicant, and if any false statement is intentionally made in any part of the application, the affiant shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided by this article.

Affidavit

Section 437. Prohibitions Against the Grant of Licenses.—(a) The board shall refuse to grant any licenses unless the application therefor contains the information required by this act, and the premises meet such reasonable sanitary requirements as the board, by regulation, shall prescribe.

Sanitary requirements

**Board shall
refuse to issue
club license in
certain cases**

(b) The board shall refuse to grant a license to any club when it appears that the operation of such license would inure to the benefit of individual members, officers, agents or employes of the club, rather than to the benefit of the entire membership of the club.

**Reputable
individuals**

(c) Licenses shall be granted by the board only to reputable individuals, or to associations, partnerships and corporations whose members or officers and directors are reputable individuals.

Public office

(d) No person who holds, either by appointment or election, any public office which involves the duty to enforce any of the penal laws of the United States of America or any of the penal laws of this Commonwealth or any penal ordinance or resolution of any political subdivision of this Commonwealth shall be issued any manufacturer's, importing distributor's, distributor's or retail dispenser's license, nor shall such a person have any interest, directly or indirectly, in any such license.

**No distributor
on retail
licensed
premises**

(e) No distributor's or importing distributor's license shall be issued for any premises in any part of which there is operated any retail license for the sale of liquor or malt or brewed beverages.

Quota

(f) *(As added by Act 591 of January 14, 1952, P. L. 2089 and amended by Act 445 of December 22, 1965, P. L. 1149)* No new distributor's or importing distributor's license shall hereafter be granted by the board in any county of the Commonwealth where the combined number of distributor and importing distributor licenses exceeds one license for each fifteen thousand inhabitants of the county in which the license is to be issued: Provided, That a combined total of five such licenses may be granted in any county of the Commonwealth.

Nothing in this subsection shall be construed as denying the right of the board to renew or to transfer existing distributors' or importing distributors' licenses or to exchange a distributor's license for an importing distributor's license or to exchange an importing distributor's license for a distributor's license, upon adjustment of the applicable fee, notwithstanding that the number of such licensed places in the county shall exceed the limitation hereinbefore prescribed: Provided, That no distributor's license or importing distributor's license shall be transferred from one county to another county so long as the quota is filled in the county to which the license is proposed to be transferred.

**More than 1
retail dispenser
license**

Section 438. Number and Kinds of Licenses Allowed Same Licensee.—(a) Any retail dispenser may be granted licenses to maintain, operate or conduct any number of places for the sale of malt or brewed beverages, but a separate license must be secured for each place where malt or brewed beverages are sold.

(b) No person shall possess or be issued more than one distributor's or importing distributor's license.

**May hold only
1 class of
license**

(c) No person shall possess more than one class of license, except that a holder of a retail dispenser's license may also be a holder of a retail liquor license.

Section 439. Malt or Brewed Beverage License Fees.**Licensee fees**

—No public service license and no license to any manufacturer, distributor, importing distributor or retail dispenser shall be issued under the provisions of this subdivision (B) until the licensee shall have first paid an annual license fee, as follows:

(a) In the case of a manufacturer, the license fee shall be one thousand dollars (\$1,000) for each place of manufacture and shall be paid to the board. The fee for all such licenses when applied for and issued on or after April 1, but prior to July 1, shall be three-fourths of the annual fee; July 1, but prior to October 1, shall be one-half of the annual fee; October 1, but prior to January 1, shall be one quarter of the annual fee.

Manufacturer

(b) In the case of a distributor, the license fee shall be four hundred dollars (\$400) and shall be paid to the board.

Distributor

(c) In the case of an importing distributor, the license fee shall be nine hundred dollars (\$900) and shall be paid to the board.

**Importing
Distributor**

(d) In the case of a retail dispenser, except clubs, the license fee shall be graduated according to the population of the municipality in which the place of business is located and shall be paid to the board, as follows:

**Retail dispenser except
club**

(1) Less than 10,000	\$100
(2) 10,000 and more, but less than 50,000	\$150
(3) 50,000 and more, but less than 100,000	\$200
(4) 100,000 and more, but less than 150,000	\$250
(5) 150,000 and more	\$300

(e) In the case of a club, the fee shall be twenty-five dollars in all cases and shall be paid to the board.

Club

(f) In the case of a public service license for cars, the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold, to be paid to the board.

**Public
service**

(g) In the case of a public service license for the sale of malt or brewed beverages on a boat or vessel, the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board.

(h) (*As amended by Act 702 of September 28, 1961, P. L. 1728*) The fee for filing applications for licenses and for renewals shall be twenty dollars (\$20) which, together with fees for transfers, shall be paid to the board.

Filing fee

(i) The license fees fixed by this section shall be paid before the license or renewal is issued.

Section 440. (*As amended by Act 182 of August 17, 1965, P. L. 346.*) Sales by Manufacturers of Malt or Brewed Beverages; Minimum Quantities.—No manufacturer shall sell any malt or brewed beverages for consumption on the premises where sold, nor sell or deliver any such malt or brewed beverages in other than original containers approved as to capacity by the board, nor in quantities of less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve con-

**Sale by
manufacturers**

tainers, each container holding twenty-four fluid ounces or more except original containers containing one hundred twenty-eight ounces or more which may be sold separately; nor shall any manufacturer maintain or operate within the Commonwealth any place or places other than the place or places covered by his or its license where malt or brewed beverages are sold or where orders are taken.

Sales by distributors and importing distributors

Section 441. Distributors' and Importing Distributors', Restrictions on Sales, Storage, etc.—(a) No distributor or importing distributor shall purchase, receive or resell any malt or brewed beverages except in the original containers as prepared for the market by the manufacturer at the place of manufacture.

Minimum quantity

(b) *(As amended by Act 182 of August 17, 1965, P. L. 346)* No distributor or importing distributor shall sell any malt or brewed beverages in quantities of less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more except original containers containing one hundred twenty-eight ounces or more which may be sold separately: Provided, That no malt or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or importing distributor, or in any place provided for such purpose by such distributor or importing distributor.

Other place for sales

(c) No distributor or importing distributor shall maintain or operate any place where sales are made other than that for which the license is granted.

Places of storage

(d) No distributor or importing distributor shall maintain any place for the storage of malt or brewed beverages except in the same municipality in which the licensed premises is located and unless the same has been approved by the board. In the event there is no place of cold storage in the same municipality, the board may approve a place of cold storage in the nearest municipality.

Territorial violations

(e) *(As added by Act 471 of October 23, 1959, P. L. 1360)* No distributor or importing distributor shall purchase, sell, resell, receive or deliver any malt or brewed beverages, except in strict compliance with the provisions of subsection (b) of section 431 of this act.

Sales by retail dispensers

Section 442. Retail Dispensers' Restrictions on Purchases and Sales.—(a) No retail dispenser shall purchase or receive any malt or brewed beverages except in original containers as prepared for the market by the manufacturer at the place of manufacture. The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed: Provided, however, That no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of one hundred forty-four fluid ounces: Provided, further, That no club licensee may sell any malt or brewed beverages for consumption off the premises where sold or to persons not members of the club.

Club restrictions

(b) No retail dispenser shall sell any malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, but this section shall not be interpreted to prohibit a retail dispenser from selling malt or brewed beverages in a hotel or club house in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same.

Rooms
accessible
to public

(c) (As added by Act 183 of October 9, 1967, P.L.)
For the purpose of this section any person who is an active member of another club which is chartered by the same state or national organization shall have the same rights and privileges as members of the particular club.

Section 443. Interlocking Business Prohibited.—(a) No manufacturer of malt or brewed beverages and no officer or director of any such manufacturer shall at the same time be a distributor, importing distributor or retail dispenser, or an officer, director or stockholder or creditor of any distributor, importing distributor or retail dispenser, nor, except as hereinafter provided, be the owner, proprietor or lessor of any place for which a license has been issued for any importing distributor, distributor or retail dispenser, or for which a hotel, restaurant or club liquor license has been issued.

Interlocking
Business
Mfgr. may not
be retailer or
distributor or
own property
so licensed

(b) No distributor or importing distributor and no officer or director of any distributor or importing distributor shall at the same time be a manufacturer, a retail dispenser or a liquor licensee, or be an officer, director, stockholder or creditor of a manufacturer, a retail dispenser or a liquor licensee, or, directly or indirectly, own any stock of, or have any financial interest in, or be the owner, proprietor or lessor of, any place covered by any other malt or brewed beverage or liquor license.

Distributor
may not be
mfgr. or retail
licensee

(c) No licensee licensed under this subdivision (B) of Article IV and no officer or director of such licensee shall, directly or indirectly, own any stock of, or have any financial interest in, any other class of business licensed under this subdivision.

No interest
any other class

(d) Excepting as hereinafter provided, no malt or brewed beverage manufacturer, importing distributor or distributor shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or in any mortgage against the same, for which a liquor or retail dispenser's license is granted; nor shall any such manufacturer, importing distributor or distributor, either directly or indirectly, lend any moneys, credit or equivalent thereof to, or guarantee the payment of any bond, mortgage, note or other obligation of, any liquor licensee or retail dispenser, in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business operated under a liquor or retail dispenser's license, excepting only the usual and customary credits allowed for returning original containers in which malt or brewed beverages were packaged for market by the manufacturer at the place of manufacture.

Mfgr. or
distrib. may
not be inter-
ested in retail
license

Loans, etc.

Mfgr. not to be interested in mortgage of distrib., etc.

(e) Excepting as hereinafter provided, no manufacturer of malt or brewed beverages shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or any mortgage lien against the same, for which a distributor's or importing distributor's license is granted; nor shall any such manufacturer, either directly or indirectly, lend any moneys, credit, or their equivalent to, or guarantee the payment of any bond, mortgage, note or other obligation of, any distributor or importing distributor, in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where malt or brewed beverages are licensed for sale by a distributor or importing distributor, excepting only the usual credits allowed for the return of original containers in which malt or brewed beverages were originally packaged for the market by the manufacturer at the place of manufacture.

No licensee to receive loan from any other licensee

(f) No distributor, importing distributor or retail dispenser shall in anywise receive, either directly or indirectly, any credit, loan, moneys or the equivalent thereof from any other licensee, or from any officer, director or firm member of any other licensee, or from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation, except banking institutions, in which another licensee or any officer, director or firm member of another licensee has a substantial interest or exercises a control of its business policy, for equipping, fitting out, payment of license fee, maintaining and conducting, either in whole or in part, an establishment or business operated under a distributor's, importing distributor's or retail dispenser's license, excepting only the usual and customary credits allowed for the return of original containers in which malt or brewed beverages were packaged for the market by the manufacturer at the place of manufacture.

Purpose of section

(g) The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by subdivision (B) of this article, and no person or corporation shall, by any device whatsoever, directly or indirectly, evade the provisions of this section. But in view of existing economic conditions, nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a malt or brewed beverage manufacturer of any place occupied by a distributor, importing distributor or retail dispenser after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the eighteenth day of July, one thousand nine hundred thirty-five.

Manufacturer further defined

The term "manufacturer" as used in this section shall include manufacturers of malt or brewed beverages as defined in this act and any person manufacturing any malt or brewed beverages outside of this Commonwealth.

Reciprocal provisions

Section 444. Malt or Brewed Beverages Manufactured Outside This Commonwealth.—(a) In addition to compliance with all other provisions of this act, the board shall require each person desiring to sell any malt or brewed beverage

ages manufactured outside this Commonwealth to Pennsylvania licensees, and shall require each Pennsylvania licensee who desires to purchase and resell any such malt or brewed beverages, to pay to the board the same fees as are required to be paid by Pennsylvania licensees or by persons or licensees in any state, territory or country outside of Pennsylvania who desires to sell malt or brewed beverages manufactured in Pennsylvania to licensees in such other state, territory or country of origin of such malt or brewed beverages not manufactured in Pennsylvania, and to observe and comply with the same regulations, prohibitions and restrictions as are required of or enforced against Pennsylvania licensees or persons who desire to purchase and resell malt or brewed beverages manufactured in Pennsylvania in such other state, territory or country of origin.

(b) In all cases where the board shall have issued any reciprocal regulations or orders concerning malt or brewed beverages manufactured in any state, territory or country other than Pennsylvania, no Pennsylvania licensee shall purchase any such malt or brewed beverages if their importation has been prohibited, or if not entirely prohibited, unless such regulations or orders have been observed and complied with by the Pennsylvania licensee and by the person from or through whom the Pennsylvania licensee desires to purchase.

(c) Any malt or brewed beverages manufactured outside of Pennsylvania which are sold, transported or possessed in Pennsylvania contrary to any such regulations or orders of the board, or without the payment of the fees herein required, shall be considered contraband and shall be confiscated by the board and disposed of in the same manner as any other illegal liquor or malt or brewed beverages.

(d) Upon learning of the commission by a manufacturer of malt or brewed beverages whose principal place of business is outside this Commonwealth, or by any servant, agent, employe or representative of such manufacturer, within or partly within and partly outside this Commonwealth, of any violation of this act or any laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, or of any regulation of the board adopted pursuant thereto, or of any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor or malt or brewed beverages, the board shall cite such manufacturer to appear before it or its examiner not less than ten nor more than fifteen days from the date of mailing such manufacturer at his principal place of business, wherever located, by registered mail, a notice to show cause why the further importation into this Commonwealth of malt or brewed beverages manufactured by him should not be prohibited.

Citation of
out-of-state
manufacturer

(e) Upon such hearing, whether or not an appearance was made by such outside manufacturer, if satisfied that any such violation has occurred, the board is specifically empowered and directed to immediately issue an order prohibiting the importation of malt or brewed beverages manufactured by such manufacturer into this Commonwealth for a period of not less than six months nor more than three years.

Penalty

(f) Notice of such board action shall be given immediately to such manufacturer and to all persons licensed to import malt or brewed beverages within this Commonwealth by

Notice

mailing a copy of such order to such manufacturer at its principal place of business, wherever located, and to such licensees at their licensed premises. Thereafter, it shall be unlawful for any person licensed to import malt or brewed beverages within this Commonwealth to purchase or sell any malt or brewed beverages manufactured by such outside manufacturer during the term of such prohibition.

Misdemeanor

(g) Any violation of such prohibitory order shall be a misdemeanor and shall be punished in the same manner as herein provided for any other violation of this act, and shall also constitute grounds for revocation or suspension of a license to import malt or brewed beverages.

Opinion

(h) In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order.

Appeal

(i) Any outside manufacturer aggrieved by the action of the board may appeal to the quarter-sessions court of Dauphin County in the same manner as herein provided for appeals from refusals to grant licenses.

(C) General Provisions Applying to Both Liquor and Malt and Brewed Beverages.

Limitation on retail licenses

Section 461. *Limiting Number of Retail Licenses To Be Issued in Each Municipality. (a) *(As amended by Act 220 of August 11, 1959, P.L. 670; Act 702** of December 17, 1959, P.L. 1932; Act 590 of September 16, 1961, P.L. 1337 and Act 95 of September 25, 1969, P.L.)* No licenses shall hereafter be granted by the Board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand five hundred inhabitants in any municipality, exclusive of licenses granted to airport restaurants, municipal golf courses and hotels, as defined in this section, and clubs but at least one such license may be granted in each municipality and in each part of a municipality where such municipality is split so that each part thereof is separated by another municipality, except in municipalities where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the Board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this section, no new license, except for

Renewals or transfers

* Section 2 of Act 426 of December 16, 1965, P. L. provides "Trade show and convention licenses shall not be subject to the provisions . . . of section 461 . . ."

** Act 702 changed the quota of licenses from "1 for each 1000 inhabitants or fraction thereof" to "1 for each 1,500 inhabitants." Section 2 of that act provides: "The provision of this amendment shall not apply to applications for licenses for the retail sale of liquor, or the retail sale of malt or brewed beverages, filed and pending prior to the effective date of this amendment." Section 3 provides: "This act shall take effect February 2, 1960."

hotels, municipal golf courses and airport restaurants as defined in this section, shall be granted so long as said limitation is exceeded.

(b) The board shall have the power to increase the number of licenses in any such municipality which in the opinion of the board is located within a resort area.

(c) The word "hotel" as used in this section shall mean* any reputable place operated by a responsible person of good reputation where the public may, for a consideration, obtain sleeping accommodations, and which shall have the following number of bedrooms and requirements in each case—at least one-half of the required number of bedrooms shall be regularly available to transient guests seven days weekly, except in resort areas; at least one-third of such bedrooms shall be equipped with hot and cold water, a lavatory, commode, bathtub or shower and a clothes closet; and an additional one-third of the total of such required rooms shall be equipped with lavatory and commode:

(1) In municipalities having a population of less than three thousand, at least twelve permanent bedrooms for the use of guests.

(2) In municipalities having a population of three thousand and more but less than ten thousand inhabitants, at least sixteen permanent bedrooms for the use of guests.

(3) In municipalities having a population of ten thousand and more but less than twenty-five thousand inhabitants, at least thirty permanent bedrooms for the use of guests.

(4) In municipalities having a population of twenty-five thousand and more but less than one hundred thousand inhabitants, at least forty permanent bedrooms for the use of guests.

(5) In municipalities having a population of one hundred thousand and more inhabitants, at least fifty permanent bedrooms for the use of guests.

(6) A public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen, apart from the dining room or rooms, in which food is regularly prepared for the public.

(7) Each room to be considered a bedroom under the requirements of this section shall have an area of not less than eighty square feet and an outside window.

(8) The provisions of this subsection (c) shall not apply to hotel licenses granted prior to the first day of September, one thousand nine hundred forty-nine, or that have been granted on any application made and pending prior to said date, nor to any renewal or transfer thereof, or hotels under construction or for which a bona fide contract had been entered into for construction prior to said date. In such cases, the provisions of section one of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 806) shall continue to apply.

(d) *(As added by Act 220 of August 11, 1959, P. L. 670 and amended by Act 245 of June 19, 1961, P. L. 484)* "Air-

Hotels

Resort areas

Definition
Hotel

Bedrooms

Airport res-
taurant defined

* All hotels licensed under the provisions of the Quota Law of 1939 must continue to meet the minimum requirements prescribed therein, therefore that Act is listed as Part II in this book.

port restaurant," as used in this section shall mean restaurant facilities at any airport for public accommodation, which are owned or operated directly or through lessees by the Commonwealth of Pennsylvania, by any municipal authority, county or city, either severally or jointly, with any other municipal authority, county or city, but shall not include any such restaurant facilities at any airport situated in a municipality where by vote of the electors the retail sale of liquor and malt or brewed beverages is not permitted.

(e) (Added by Act 95 of September 25, 1969, P.L.)

"Municipal golf course" as used in this section shall mean the restaurant facilities at any municipal golf course open for public accommodation, which are owned or operated directly or through lessees by a municipal authority, county or city, severally or jointly with any other municipal authority, county or city, but shall not include any such restaurant facilities at any municipal golf course situate in a municipality where by vote of the electors the retail sale of liquor and malt and brewed beverages is not permitted.

Section 462. Licensed Places May Be Closed During Period of Emergency.—The board may, with the approval of the Governor,

Emergency closing

(a) Temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor.

Daylight saving time

(b) (*This paragraph is, in effect, repealed by Act 195 of August 26, 1965, P. L. 378*) Advance by one hour the hours prescribed in this act as the hours during which liquor and malt or brewed beverages may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality.

License to sell liquor not to be granted to owners of places of amusement

Section 463. *Places of Amusement Not To Be Licensed; Penalty.—(a) (*As amended by Act 676 of September 22, 1961, P. L. 1599*) No license for the sale of liquor or malt or brewed beverages in any quantity shall be granted to the proprietors, lessees, keepers or managers of any theater, circus, museum or other place of amusement, nor shall any house be licensed for the sale of liquor or malt or brewed beverages which has passage or communication to or with any theater, circus, museum or other place of amusement, and any license granted contrary to this act shall be null and void. Nothing contained in this section shall be construed as denying to the board the right to grant a restaurant liquor license to the owner or operator of a restaurant in a building on a plot of ground owned or possessed under lease by a corporation incorporated under the laws of this Commonwealth and used principally by such corporation for holding outdoor sport events authorized by electors in a referendum in the county wherein such events are held under a license issued as provided by law to such corporation by a department, board or commission of the Commonwealth of Pennsylvania. The restaurant liquor license aforementioned shall be subject to all the conditions and

Exception—Outdoor sport events

* Section 2 of Act 426 of December 16, 1965, P. L. , provides "Trade show and convention licenses shall not be subject to the provisions . . . of section 463 . . ."

restrictions herein applicable to restaurant liquor licenses, except the above prohibition against any passageway or communication between such licensed premises and the place of amusement.

(a.1)(As added by Act 360 of December 1, 1965, P.L. 979 and amended by Act 247 of November 17, 1967, P.L.

) Nothing contained in subsection (a) of this section or in section 102 of this act shall be construed as denying to the Board the right to grant a club or restaurant liquor or malt and brewed beverage license to a club incorporated in this Commonwealth which has been in existence less than one year prior to making application under this section or to a restaurant either of which has a clubhouse or restaurant located in a stadium or arena having an available seating capacity of twelve thousand or more and owned and operated by or pursuant to an agreement with any city of the first class or created and operated under and in compliance with the act of July 29, 1953 (P.L. 1034), known as the "Public Auditorium Authorities Law," and used principally for events at which athletes compete or other types of performers entertain. The club or restaurant liquor or malt and brewed beverage license aforementioned shall be subject to all the conditions and restrictions applicable to such licenses and licenses for places of amusement, except the above prohibition against any passageway or communication between such licensed premises and the place of amusement.

(b) Any proprietor, lessee, keeper or manager of any theater, circus, museum or other place of amusement, or any other person who shall violate the provisions of this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of one hundred dollars and to undergo an imprisonment of not less than thirty days.

Penalty for violation

Section 464. Hearings Upon Refusal of Licenses, Renewals or Transfers; Appeals.—The board may of its own motion, and shall upon the written request of any applicant for club, hotel or restaurant liquor license, or any applicant for any malt or brewed beverage license other than a public service license, or for renewal or transfer thereof, whose application for such license, renewal or transfer has been refused, fix a time and place for hearing of such application for license or for renewal or transfer thereof, notice of which hearing shall be mailed to the applicant at the address given in his application. Such hearing shall be before the board, a member thereof, or an examiner designated by the board. At such hearing, the board shall present its reasons for its refusal or withholding of license, renewal or transfer thereof. The applicant may appear in person or by counsel, may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board. Such hearings shall be stenographically recorded. The examiner shall thereafter report to the board upon such

Licensee Hearings Appeals

Notice of hearing

Conduct of hearing

Stenographic record

**Propriety
of original
issuance****Notice of
refusal****Who may
appeal****Appeal within
20 days****Appeal de novo****Appeal to
Superior Court
within 30 days****Bonds****Surety com-
pany or cash
securities**

hearing. The board shall thereupon grant or refuse the license renewal or transfer thereof. In considering the renewal of license, the board shall not refuse any such renewal on the basis of the propriety of the original issuance or any prior renewal of such license. If the board shall refuse such license, renewal or transfer following such hearing, notice in writing of such refusal shall be mailed to the applicant at the address given in his application. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order and furnish a copy thereof to the applicant. Any applicant who has appeared before the board or any agent thereof at a hearing, as above provided, who is aggrieved by the refusal of the board to issue any such license or to renew or transfer any such license may appeal, or any church, hospital, charitable institution, school or public playground located within three hundred feet of the premises applied for, aggrieved by the action of the board in granting the issuance of any such license or the transfer of any such license, may take an appeal limited to the question of such grievance within twenty days from date of refusal or grant, to the next quarter sessions of the county in which the premises applied for is located or the county court of Allegheny County. Such appeal shall be upon petition of the aggrieved party, who shall serve a copy thereof upon the board, whereupon a hearing shall be held upon the petition by the court upon ten days' notice to the board, which shall be represented in the proceeding by the Department of Justice. The said appeal shall be as a *supersedeas* unless upon sufficient cause shown the court shall determine otherwise. The court shall hear the application *de novo* on questions of fact, administrative discretion and such other matters as are involved, at such time as it shall fix, of which notice shall be given to the board. The court shall either sustain or over-rule the action of the board and either order or deny the issuance of a new license or the renewal or transfer of the license to the applicant. The parties to the proceeding may, within thirty days from the filing of the order or decree of said court, appeal therefrom to the Superior Court.

The jurisdiction of the county court of Allegheny County conferred hereby shall be exclusive within the territorial limits of its jurisdiction.

Section 465. All Licensees to Furnish Bond.—(a) No license shall be issued to any applicant under the provisions of this article until such applicant has filed with the board an approved bond and a warrant of attorney to confess judgment payable to the Commonwealth of Pennsylvania in the amount hereinafter prescribed.

(b) Bonds of all such applicants shall have as surety a surety company authorized to do business in this Commonwealth, or shall have deposited therewith, as collateral security, cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds.

all cases where cash or securities in lieu of other surty have been deposited with the board, the depositor shall be permitted to continue the same deposit from year to year on each renewal of license, but in no event shall he be permitted to withdraw his deposit during the time he holds said license, or until six months after the expiration of the license held by him, or while revocation proceedings are pending against such license. All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him. The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board.

Cash or
securities

(c) No such bond shall be accepted until approved by the board. All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to liquor, alcohol and malt or brewed beverages and the regulations of the board. All bonds shall be retained by the board.

(d) The penal sum of the respective bonds filed under the provisions of this section shall be as follows:

Penal sum of
bonds

(1) Manufacturers of malt or brewed beverages, ten thousand dollars (\$10,000.00) for each place at which the licensee is authorized to manufacture.

(2) Liquor importers, ten thousand dollars (\$10,000.00) for each license.

(3) Sacramental wine licensees, ten thousand dollars (\$10,000.00).

(4) Importing distributors of malt or brewed beverages, two thousand dollars (\$2,000.00).

(5) Hotel, restaurant, club and public service liquor licensees, two thousand dollars (\$2,000.00), but in the case of a railroad or pullman company, such penal sum shall cover every dining, club or buffet car of such company operated under such license.

(6) Distributors of malt or brewed beverages, one thousand dollars (\$1,000.00).

(7) Retail dispensers and public service malt or brewed beverage licensees, one thousand dollars (\$1,000.00) for each place at which the licensee is authorized to sell malt or brewed beverages, except that in the case of railroad or pullman companies, said penal sum shall be one thousand dollars (\$1,000.00), irrespective of the number of licensed cars operated by the company.

(e) Every such bond may be forfeited when a license is revoked and shall be turned over to the Attorney General for collection if and when the licensee's license shall have been revoked and his bond forfeited as provided in this act.

Forfeiture and
collection

Section 466. Disposition of Cash and Securities Upon Forfeiture of Bond.—After notice from the board that any of the aforesaid bonds have been forfeited, the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such bond, and when securities have been deposited with such bond, the State Treasurer shall

Forfeiture of
securities

sell, at private sale, at not less than the prevailing market price, any such securities so deposited as collateral with such forfeited bond. The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities, except that if the amount so realized after deducting proper costs and expenses, is in excess of the penal amount of the bond, such excess shall be paid over to him to the obligor on such forfeited bond.

Display of license

Section 467. Display of License.—Every license issued under this article shall be constantly and conspicuously displayed under transparent substance on the licensed premises and no license shall authorize sales until this section has been complied with.

Transfers

Section 468. Licenses Not Assignable; Transfers. (a) (As amended by Act 382 of August 22, 1953, P.L. 1340, Act 297 of January 26, 1956, P.L. 966 and Act 2 of October 20, 1967, P.L.) Licenses issued under this article may not be assigned. The Board, upon payment of the transfer filing fee and the execution of a new bond, is hereby authorized to transfer any license issued by it under the provisions of this article from one person to another or from one place to another, or both, within the same municipality, as the Board may determine. The Board, in its discretion, may transfer an existing restaurant or club license from one municipality to another within the same county regardless of the quota limitations provided for in this act, if sales of liquor or malt and brew beverages are legal in such other municipality and if the restaurant or club lost the use of the building in which it was located due to governmental exercise of the right of eminent domain and no other suitable building can be found in the first municipality. In the case of distributing and importing distributor licenses, the Board may transfer any such license from its place in a municipality to its place in any other municipality within the same county or from one place to another place within the same municipality, or exchange a distributor license for an importing distributor license or an importing distributor license for a distributor license, if the building for which the license is to be issued has, in the case of an importing distributor license, an area under one roof of one thousand five hundred square feet and, in the case of a distributor license, an area under one roof of one thousand square feet: And provided, That, in the case of all transfers of distributor or importing distributor licenses, whether from a place within the same municipality to another place within the same municipality or from a place in a municipality to a place in any other municipality within the same county and, in the case of an exchange of a distributor license

D-ID, within county

Area

an importing distributor license or an importing distributor license for a distributor license, the premises to be affected by the transfer or exchange shall contain an office separate and apart from the remainder of the premises to be licensed for the purpose of keeping records, required by the board, adequate toilet facilities for employees of the licensee and an entrance on a public thoroughfare: Provided, however, That in the event that the majority of the voting electors of a municipality, at an election held under the provisions of any law so empowering them to do, shall vote against the issuance of distributor or importing distributor licenses in such municipality, the board is hereby authorized to transfer any such distributor or importing distributor license from its place in such municipality to a place in any other municipality within the same county, upon application prior to the expiration of any such license and upon payment of the transfer filing fee and the execution of a new bond; but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally, nor, except as herein provided, to a place as to which a license has been revoked. No license shall be transferred to any place or property upon which is located, as a business the sale of liquid fuels and oil. Except in cases of emergency such as death, serious illness, or circumstances beyond the control of the licensee, as the board may determine such circumstances to justify its action, transfers of licenses may be made only at times fixed by the board. In the case of the death of a licensee, the board may transfer the license to the surviving spouse or personal representative or to a person designated by him. From any refusal to grant a transfer or upon the grant of any transfer, the party aggrieved shall have the right of appeal to the proper court and therefrom to the Superior Court, in the manner hereinbefore provided.

(b) In the event that any person to whom a license shall have been issued under the provisions of this article shall become insolvent, make an assignment for the benefit of creditors, become a bankrupt by either voluntary or involuntary action, the license of such person shall immediately terminate and be cancelled without any action on the part of the board, and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted. Thereafter, no license shall be issued by the board for the premises wherein said license was conducted to any assignee, committee, trustee, receiver, or successor of such licensee, until a hearing has been held by the board as in the case of a new application for license. In all such cases, the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued, and shall have the further power to exact conditions under which said license shall be conducted.

Office**Toilets****Entrance****Restrictions****Death of
licensee
transfer to
spouse****Appeals from
refusal****Automatic
cancellation
for insolvency,
bankruptcy**

**Transfer
Application
Filing fee**

Section 469. (*As amended by Act 702 of September 21, 1961, P. L. 1728*) **Applications for Transfers; Fees.**

Every applicant for a transfer of a license under the provisions of this article shall file a written application with the board, together with a filing fee of thirty dollars (\$30) if the license to be transferred is a liquor license, and twenty dollars (\$20) if the license is a malt or brewed beverage license. Such applications shall be in such form and shall be filed at such times as the board shall in its regulations prescribe. Each such applicant shall also file an approved bond as required on original applications for such licenses.

Whenever any license is transferred, no license or other fees shall be required from the persons to whom such transfer is made for the balance of the then current license year, except the filing fee as herein provided.

Bond**File Renewal
60 days before
expiration**

Section 470. (*As amended by Act 87 of August 1, 1969, P. L. 1*) **Renewal of Licenses; Temporary Provisions for Licensees in Armed Service.**

(a) All Applications for renewal of licenses under the provisions of this article shall be filed with a new bond, requisite license and filing fees at least sixty days before the expiration date of same: Provided, however, That the Board, in its discretion, may accept a renewal application filed less than sixty days before the expiration date of the license with the required bond and fees, upon reasonable cause shown and the payment of an additional filing fee of one hundred dollars (\$100.00) for late filing.

New Bond**File less than
60 days upon
reasonable
cause**

And provided further, That except where the failure to file a renewal application on or before the expiration date has created a license quota vacancy after said expiration date which has been filled by the issuance of a new license, after such expiration date, but, before the Board has received a renewal application within the time prescribed herein the Board, in its discretion, may, after hearing, accept a renewal application filed within ten months after the expiration date of the license with the required bond and fees upon the payment of an additional filing fee of two hundred fifty dollars (\$250.00) for late filing. Where any such renewal application is filed less than sixty days before the expiration date, or subsequent to the expiration date, no license shall issue upon the filing of the renewal application until the matter is finally determined by the Board and if an appeal is taken from the Board's action the courts shall not order the issuance of the renewal license until final determination of the matter by the courts. A renewal application will not be considered filed unless accompanied by a new bond and the requisite filing and license fees and any additional filing fee required by this section. Unless the Board shall have given ten days' previous notice to the applicant of objections to the renewal of his license, based

**10 months after
expiration date****License
issuance**

upon violation by the licensee or his servants, agents or employes of any of the laws of the Commonwealth or regulations of the Board relating to the manufacture, transportation, use, storage, importation, possession or sale of liquors, alcohol or malt or brewed beverages, or the conduct of a licensed establishment, or unless the applicant has by his own act become a person of ill repute, or unless the premises do not meet the requirements of this act or the regulations of the Board, the license of a licensee shall be renewed.

(b) In cases where a licensee or his servants, agents or employes are arrested, charged with violating any of the laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants, agents or employes have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted, and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such license is pending before the board, the board may, in its discretion, renew the license, notwithstanding such alleged violations, but such renewal license may be revoked if and when the licensee or any of his servants, agents or employes are convicted of or plead guilty to violations under the previous license, as aforesaid, or if and when such previous license is for any reason revoked.

In the event such renewal license is revoked by the board, neither the license fee paid for such license nor any part thereof shall be returned to the licensee, but the license bond

Arrest or
citation no
bar to renewal

Renewal may
be revoked

Fees not
returnable

filed with the application for such renewal of license shall not be forfeited.

(c) Notwithstanding anything to the contrary in this section, any individual who holds a restaurant or hotel liquor license or a retail dispenser (hotel or eating place) malt or brewed beverage license in effect at the time such individual enters the armed forces of the United States of America, may surrender to the board for safekeeping the said license and, if surrendered, shall furnish the board with documentary evidence as to his entering such armed forces. Upon surrender of the license, the board shall, without the filing of an application for renewal or surety bond, the payment of filing and license fees, renew the said license from year to year and hold the same in its possession for the benefit of such licensee. A license so renewed by the board shall to all intents and purposes be considered as in full force and effect, notwithstanding the licensee is not exercising the privileges thereunder, and shall be returned to the said licensee at any time within one year from the date of his honorable discharge from the armed forces of the United States upon the filing of an application therefor, surety bond, and payment of the filing and license fees as hereinafter provided. The said application for return of license shall be on a form prescribed by the board, accompanied by a filing fee in the sum of ten dollars (\$10.00) and the prescribed license fee, except that when such application is filed after a portion of the then current license term has elapsed, the license fee shall be prorated on a monthly basis for the balance of the license year. Provided, however, That the said license shall not be returned if the electors of the municipality in which the licensed establishment is situate have voted against the granting of retail liquor licenses or against the granting of retail dispenser licenses, as the case may be, under the local option provision of this act. In the event the premises originally covered by the license are not available for occupancy by the licensee at the time he files his application for return of license, as hereinbefore provided, he shall be permitted to file an application for transfer of the license to other premises in the same municipality. Such transfer of the license shall be subject to all of the provisions of this act pertaining to the transfer of such licenses.

This subsection (c) was enacted due to conditions caused by the present war and shall remain in effect only until the termination of said war and one year thereafter.

Section 471. (As amended by Act 583 of September 15, 1961, P. L. 1325 and Act 518 of January 13, 1966, P. L. 1301)

Revocation and Suspension of Licenses; Fines.— Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, or of any regulations of the board adopted pursuant to such laws, of any violation of any laws of this Commonwealth or of the United States of America relating to the tax-payment of liquor, or malt or brewed beverages by any licensee within the scope of this article, his officers, servants, agents or employes, or upon any other sufficient

Licenses in armed forces

Surrender license for safe-keeping

Automatic renewal

Returnable within 1 year of honorable discharge

License fee prorated

Revocation and suspension

Cause for citation

**Cite within
1 year**

**Notice of
citation**

Hearings

**Notice of
suspension
or revocation**

**20 day notice
of suspension
or revocation**

**Ineligible for
license for
3 years if
revoked**

**Premises
ineligible for
1 year after
revocation**

Opinion

Appeal

**Discretion
of appeal
court**

**Appeal to
Superior Court**

cause shown, the board may, within one year from the date of such violation or cause appearing, cite such licensee to appear before it or its examiner, not less than ten nor more than sixty days from the date of sending such licensee, by registered mail, a notice addressed to him at his licensed premises, to show cause why such license should not be suspended or revoked or a fine imposed. Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing if satisfied that any such violation has occurred or for other sufficient cause, the board shall immediately suspend or revoke the license, or impose a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), notifying the licensee by registered letter addressed to his licensed premises. In the event the fine is not paid within twenty days of the order the board shall suspend or revoke the license, notifying the licensee by registered mail addressed to his licensed premises. Suspensions and revocations shall not go into effect until twenty days have elapsed from the date of notice of issuance of the board's order during which time the licensee may take an appeal as provided for in this act. When a license is revoked, the licensee's bond may be forfeited by the board. Any licensee whose license is revoked shall be ineligible to have a license under this act until the expiration of three years from the date such license was revoked. In the event the board shall revoke a license, no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within the said year. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order. In the event the person who was fined or whose license was suspended or revoked by the board shall feel aggrieved by the action of the board, he shall have the right to appeal to the court of quarter sessions or the county court of Allegheny County in the same manner as herein provided for appeals from refusals to grant licenses. Upon appeal, the court so appealed to shall, in the exercise of its discretion, sustain, reject, alter or modify the findings, conclusions and penalties of the board, based on the findings of fact and conclusions of law as found by the court. The aforesaid appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise. The licensee or the board may, within thirty days from the filing of the order or decree of said court, file an appeal therefrom to the Superior Court. No penalty provided by this section shall be imposed by the board or any court for any violations provided for in this act unless the enforcement officer or the board notifies the licensee of its nature and of the date of the alleged violation within ten days of the completion of the investigation which in no event shall exceed ninety days.

If the violation in question is a third or subsequent violation of this act or the act of June 24, 1939 (P. L. 872), known as "The Penal Code," occurring within a period of four years the board shall impose a suspension or revocation.

The jurisdiction of the county court of Allegheny County conferred hereby shall be exclusive within the territorial limits of its jurisdiction.

Section 472. (As amended by Act 619 of January 19, 1952, P. L. 2170 and Act 272 of August 19, 1953, P. L. 1061 and Act 382 of August 22, 1953, P. L. 1340 and Act 231 of June 28, 1957, P. L. 419) Local Option.—In any municipality, an

Local option

election may be held on the date of the primary election immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to hotels, restaurants and clubs, not oftener than once in four years, with respect to the granting of licenses to retail dispensers of malt and brewed beverages, not oftener than once in four years with respect to granting of licenses to wholesale distributors and importing distributors, or not more than once in four years with respect to the establishment, operation and maintenance by the board of Pennsylvania liquor stores, within the limits of such municipality, under the provisions of this act: Provided, however, Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election: And provided further, That an election on the question of establishing and operating a State liquor store shall be initiated only in those municipalities that shall have voted against the granting of liquor licenses; and that an election on the question of granting wholesale distributor and importing distributor licenses shall be initiated only in those municipalities that shall have at a previous election voted against the granting of dispenser's licenses. Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of granting any of said classes of licenses or the establishment of Pennsylvania liquor stores, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election. Separate petitions must be filed for each question to be voted on. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions, insofar as such provisions are applicable.

Once in 4 years at primary election

25% of vote

Petition

When the question is in respect to the granting of liquor licenses, it shall be in the following form:

Do you favor the granting of liquor licenses for the sale of liquor in of _____ ?	Yes	
	No	

When the question is in respect to the granting of licenses to retail dispensers of malt and brewed beverages, it shall be in the following form:

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the of ?	Yes	
	No	

When the question is in respect to the granting of licenses to wholesale distributors of malt or brewed beverages and importing distributors, it shall be in the following form:

Do you favor the granting of malt and brewed beverage wholesale distributor's and importing distributor's licenses not for consumption on premises where sold in the of ?	Yes	
	No	

When the question is in respect to the establishment, operation and maintenance of Pennsylvania liquor stores it shall be in the following form:

Do you favor the establishment, operation and maintenance of Pennsylvania liquor stores in the of ?	Yes	
	No	

Tie vote

In case of a tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be granted by the board to hotels, restaurants and clubs, or malt and brewed beverage retail dispenser licenses or wholesale distributor's and importing distributor's license for the sale of malt or brewed beverages shall be granted by the board, or the board may establish, operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality, as provided by this act; but if a majority of the electors voting on any such question vote "no," then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality; or if the negative vote is on the question in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, the board shall not open and operate a Pennsylvania liquor store in such municipality, nor continue to operate a then existing Pennsylvania liquor store in the municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote "yes" on such question.

Clubs located
in 3 or more
municipalities

Section 472.1. (As added by Act 590 of September 16, 1961, P. L. 1337) Clubs.—Whenever any club in existence at least five years prior to the time of application for license

owns a contiguous plot of land in more than two municipalities in one or more but less than all of which the granting of liquor licenses has not been prohibited and at least one acre of the plot of land owned by the club is situated in each municipality in which the granting of liquor licenses has not been prohibited, the club may be issued a club liquor license or a catering license by the board if the board finds that the license will not be detrimental to any residential neighborhood. This section shall not be construed to prohibit the issuance of club liquor licenses or catering licenses which may otherwise be issued under the provisions of this act.

Section 472.2. (As added by Act 124 of November 18, 1969, P.L.) **Granting of Liquor Licenses in Certain Municipalities.** (a) In any municipality which has, prior to January 1, 1967, by referendum approved the granting of malt and brewed beverage retail dispensers' licenses and has also thereafter, in a separate and subsequent referendum approved the granting of liquor licenses prior to the effective date of this amendment, the Board may issue to an applicant holding a malt and brewed beverage retail dispenser's license, a liquor license: Provided, That the applicant surrenders for cancellation the malt and brewed beverage retail dispenser's license. The Board shall not issue such a liquor license in excess of one for each one thousand five hundred residents in said municipality and any application for said license shall be filed within two years from the effective date of this amendment.

(b) Nothing in this section shall OTHERWISE affect any existing malt and brewed beverage retail dispenser's license.

(c) The Board may not accept, act upon, or grant an application for a liquor license under this section, when such application, if granted, would cause an excess in the aforesaid quota of one liquor license for each one thousand five hundred residents in said municipality. Nor shall an applicant under this section be required to surrender his malt and brewed beverage retail dispenser's license until and unless the Board has granted his application for a liquor license.

Section 473. (As added by Act 518 of January 13, 1966, P. L. 1301) **Public Record.**—(a) Any person having a pecuniary interest in the conduct of business on licensed premises whether that interest is direct or indirect, legal or equitable, individual, corporate, or mutual shall file his name and address with the board on forms provided by the board. In the case of corporate ownership, the secretary of the corporation shall file with the board the names and addresses of all persons having such a corporate pecuniary interest.

(b) The names and addresses required by this section shall be recorded by the board and made available to the public as a public record.

Section 474. (Added by Act 201 of July 20, 1968, P. L.

) Surrender of Club Licenses for Benefit of Licensees. Whenever a club license has been returned to the Board for the benefit of the licensee due to the licensed establishment not having been in operation for any reason whatsoever for a period of time not exceeding fifteen days, the license shall be held by the Board for the benefit of the licensee for a period of time not exceeding one year, or, upon proper application to the Board, for an additional year, and the license shall be revoked at the termination of the period, and transfer of the license shall not be permitted after the termination of the period.

(C.1) Sales by Distributors and Importing Distributors.

Sections 480 to 487 inclusive (Added by Act 495 of August 23, 1961, P. L. 1115 were repealed by Act 343 of November 10, 1965, P. L. 716)

(D) Unlawful Acts; Penalties.

Section 491. Unlawful Acts Relative to Liquor, Alcohol and Liquor Licensees.—

It shall be unlawful—

Exposure and
sale without
license

Medicinal
Administration

Prescriptions

Liquors
conforming to
National
Formulary,
etc.

Possession or
transportation
of liquor
unlawfully
acquired

(1) Sales of Liquor. For any person, by himself or by an employe or agent, to expose or keep for sale, or directly or indirectly, or upon any pretense or upon any device, to sell or offer to sell any liquor within this Commonwealth, except in accordance with the provisions of this act and the regulations of the board. This clause shall not be construed to prohibit hospitals, physicians, dentists or veterinarians who are licensed and registered under the laws of this Commonwealth from administering liquor in the regular course of their professional work and taking into account the cost of the liquor so administered in making charges for their professional service, or a pharmacist duly licensed and registered under the laws of this Commonwealth from dispensing liquor on a prescription of a duly licensed physician, dentist or veterinarian, or selling medical preparations containing alcohol, or using liquor in compounding prescriptions or medicines, and making a charge for the liquor used in such medicines, or a manufacturing pharmacist or chemist from using liquor in manufacturing preparations unfit for beverage purposes and making a charge for the liquor so used. All such liquor so administered or sold by hospitals, physicians, dentists, veterinarians, pharmacists or chemists shall conform to the Pharmacopoeia of the United States, the National Formulary, or the American Homeopathic Pharmacopoeia.

(2). (As amended by Act 381 of July 26, 1961, P. L. 886 and Act 154 of December 10, 1969, P. L.

Possession or Transportation of Liquor or Alcohol. For any person, except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license, to possess or transport any liquor or alcohol within this Commonwealth which was not lawfully acquired prior to January first, one thousand nine hundred and thirty-four, or has not been purchased from a Pennsylvania Liquor

Store or in accordance with the board's regulations. The burden shall be upon the person possessing or transporting such liquor or alcohol to prove that it was so acquired. But nothing herein contained shall prohibit the manufacture or possession of wine by any person in his home for consumption of himself, his family and guests and not for sale, not exceeding, during any one calendar year, two hundred gallons, any other law to the contrary notwithstanding. Such wine shall not be manufactured, possessed, offered for sale or sold on any licensed premises.

Home-made
wine not
exceeding 200
gallons

Not on licensed
premises

None of the provisions herein contained shall prohibit nor shall it be unlawful for any person to import into Pennsylvania, transport or have in his possession, an amount of liquor not exceeding one gallon in volume upon which a State tax has not been paid, and the package in which the liquor is contained does not bear the official seal of the board, if it can be shown to the satisfaction of the board that such person purchased the liquor in a foreign country and was allowed to bring it into the United States duty free. Such liquor shall not be possessed, offered for sale or sold on any licensed premises.

Liquor
purchased in
foreign country

Any person violating the provisions of this clause for a first offense involving the possession or transportation in Pennsylvania of any liquor in a package (bottle or other receptacle) which does not bear the official seal of the Board, or wine not purchased from a Pennsylvania Liquor Store, with respect to which satisfactory proof is produced that the required Federal tax has been paid and which was purchased, procured or acquired legally outside of Pennsylvania shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars (\$25) for each such package, plus costs of prosecution, or undergo imprisonment for a term not exceeding ninety (90) days. Each full quart or major fraction thereof shall be considered a separate package (bottle or other receptacle) for the purposes of this clause. Such packages of liquor shall be forfeited to the Commonwealth in the manner prescribed in Article VI of this act but the vehicle, boat, vessel, animal or aircraft used in the illegal transportation of such packages shall not be subject to forfeiture: provided, however, that if it is a second or subsequent offense or if it is established that the illegal possession or transportation was in connection with a commercial transaction, then the other provisions of this act providing for prosecution as a misdemeanor and for the forfeiture of the vehicle, boat, vessel, animal or aircraft shall apply.

(3) Purchase of Liquor or Alcohol. For any person within this Commonwealth, by himself or by an employee or agent, to attempt to purchase, or directly or indirectly, or upon any pretense or device whatsoever, to purchase any liquor or alcohol from any person or source other than a Pennsylvania Liquor Store, except in accordance

Purchase from
illegal source

with the provisions of this act or the regulations of the Board.

(4) (As amended by Act 349 of February 17, 1956, P.L. 1078 and Act 543 of November 19, 1959, B.L. 1532)

Liquor Packages Without Official Seal. For any person, except a manufacturer or the Board or the holder of an importer's license, to have or keep any liquor, except wine, within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained while containing that liquor bears the official seal of the Board as originally affixed in accordance with the provisions of this act or the regulations of the Board.

Possession
of liquor not
bearing official
seal

The use of decanters or other similar receptacles by the licensees shall be permitted only in the case of wines and then only in accordance with the regulations of the Board, but nothing herein contained shall prohibit the manufacture and possession of wine as provided in (2) of this section.

Decanters

(5) (As amended by Act 110 of May 5, 1970, P.L.)

Failure to Break Empty Liquor Containers. For any restaurant, hotel or club licensee, his servants, agents or employees, to fail to break any package in which liquors were contained, except those decanter packages that the Board determines to be decorative, within twenty-four hours after the original contents were removed therefrom.

Break bottles

(6) **Sales by Restaurant and Hotel Liquor Licensees.**

For any restaurant or hotel licensee, his servants, agents or employees, to sell any liquor or malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, but this section shall not be interpreted to prohibit a hotel licensee, or a restaurant licensee when the restaurant is located in a hotel, from selling liquor or malt or brewed beverages in any room of such hotel occupied by a bona fide guest.

Rooms for
service

(7) **Sales of Liquor by Manufacturers and Licensed**

Importers. For any manufacturer or licensed importer of liquor in this Commonwealth, his agents, servants or employees, to sell or offer to sell any liquor in this Commonwealth except to the board for use in Pennsylvania Liquor Stores, and in the case of a manufacturer, to the holder of a sacramental wine license or an importer's license, but a manufacturer or licensed importer may sell or offer to sell liquor to persons outside of this Commonwealth.

Sales by
manufacturer
or importer

(8) **Importation and Sales of Alcohol.** For any person, to import alcohol into this Commonwealth, or to sell alcohol to any person, except in accordance with the regulations of the board.

Alcohol

(9) **Possession of Alcohol.** For any person, to have alcohol in his possession, except in accordance with the provisions of this act and the regulations of the board.

Possession of
alcohol

Fortification**Adulteration****Contamination****Refilling
bottles****Restrictions on
Importation****Delivery****Vehicles****4" letters****Violation of
rationing****Offering of
gifts, etc.****Traffic in board
seals****Unlawful Acts****Mfg. without
license****Sale without
license**

(10) *(As amended by Act 347 of July 18, 1961, P. L. 789)* **Fortifying, Adulterating or Contaminating Liquor.** For any licensee or any employee or agent of a licensee or of the board, to fortify, adulterate or contaminate any liquor, except as permitted by the regulations of the board, or to refill wholly or in part, with any liquid or substance whatsoever, any liquor bottle or other liquor container.

(11) **Importation of Liquor.** For any person, other than the board or the holder of a sacramental wine license or of an importer's license, to import any liquor whatsoever into this Commonwealth, but this section shall not be construed to prohibit railroad and pullman companies from selling liquors purchased outside the Commonwealth in their dining, club and buffet cars which are covered by public service liquor licenses and which are operated in this Commonwealth.

(12) **Delivery of Liquor by Certain Licensees.** For a liquor licensee permitted to deliver liquor, to make any deliveries except in his own vehicles bearing his name, address and license number on each side in letters not smaller than four inches in height, or in the vehicle of another person duly authorized to transport liquor within this Commonwealth.

(13) **Violation of Certain Rules and Regulations of Board.** For any person, to violate any rules and regulations adopted by the board to insure the equitable wholesale and retail sale and distribution of liquor and alcohol through the Pennsylvania Liquor Stores.

(14) **Offering Commission or Gift to Members of Board or State Employee.** For any person selling or offering to sell liquor or alcohol to, or purchasing at wholesale liquor or alcohol from, the board, either directly or indirectly, to pay or offer to pay any commission, profit or remuneration, or to make or offer to make any gift to any member or employee of the board or other employee of the Commonwealth or to anyone on behalf of such member or employee.

(15) *(As added by Act 543 of November 19, 1959, P. L. 1532)* For any person to have, keep, use, utter, barter, buy, sell, traffic in, manufacture or make any official seal of the board or facsimile or reproduction thereof, unless authorized so to do by the provisions of this act or by the regulations or the express consent of the board.

Section 492. Unlawful Acts Relative to Malt or Brewed Beverages and Licensees.—

It shall be unlawful—

(1) **Manufacturing Without License.** For any person, to manufacture malt or brewed beverages, unless such person holds a valid manufacturer's license for such purpose issued by the board.

(2) **Sales of Malt or Brewed Beverages for Consumption on the Premises.** For any person to sell to another for consumption upon the premises where sold or to permit another to consume upon the premises where sold, any malt

or brewed beverages, unless such person holds a valid retail dispenser license or a valid liquor license issued by the board authorizing the sale of malt or brewed beverages for consumption upon such premises.

(3) **Sales of Malt or Brewed Beverages Not for Consumption on the Premises.** For any person, to sell to another any malt or brewed beverages not for consumption upon the premises where sold, unless such person holds a valid license permitting such sale.

Sale without
license

(4) **Sunday Sales of Malt or Brewed Beverages by Manufacturers, Importing Distributors or Distributors.** For any manufacturer of malt or brewed beverages, importing distributor or distributor, or the servants, agents or employees of the same, to sell, trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday.

Hours of sale

(5) *(As amended by Act 268 of July 30, 1957, P.L. 475, Act 639 of September 19, 1961, P.L. 1507, Act 242 of August 1, 1963, P.L. 456 and Act 302 of November 30, 1967; P.L.)*

Sales of Malt or Brewed Beverages by Hotels, Eating Places or Public Service Licensees During Prohibited Hours. For any hotel or eating place holding a retail dispenser's license, or the servants, agents or employees of such licensees, to sell, trade or barter in malt or brewed beverages between the hours of two o'clock antemeridian Sunday and seven o'clock in the forenoon of the following Monday, or between the hours of two o'clock antemeridian and seven o'clock antemeridian of any week day: Provided, That notwithstanding any provision to the contrary, whenever the thirty-first day of December falls on a Sunday such sales of malt or brewed beverages may be made on such day after one o'clock postmeridian and until two o'clock antemeridian of the following day. For any public service licensee authorized to sell malt or brewed beverages or the servants, agents or employees of such licensees to sell, trade or barter in malt or brewed beverages between the hours of two o'clock antemeridian and seven o'clock antemeridian on any day.

Hours of sale

(This paragraph is, in effect, repealed by Act 195 of August 26, 1965, P. L. 378) Any licensee holding a retail dispenser license or a malt or brewed beverage public service license may, by giving notice to the board, advance by one hour the hours herein prescribed as those during which malt or brewed beverages may be sold during such part of the year when daylight saving time is being observed generally in the municipality in which the place of business is located. Any licensee who elects to operate his place of business in accordance with daylight saving time shall post a conspicuous notice in his place of business that he is operating in accordance with daylight saving time.

Daylight
Saving Time

Posting notice

Sales on
election day

(6) Sales of Malt or Brewed Beverages on Election Day by Hotels, Eating Places, or Public Service Licensees. For any hotel or eating place holding a retail dispenser's license or any malt or brewed beverage public service licensee, or his servants, agents or employees, to sell, furnish or give any malt or brewed beverages to any person after two o'clock antemeridian, or until one hour after the time fixed by law for the closing of polling places on days on which a general, municipal, special or primary election is being held.

Club sales
between 3 and
7 A.M.

(7) Clubs Selling Between Three O'Clock Antemeridian and Seven O'Clock Antemeridian. For any club retail dispenser, or its servants, agents or employees, to sell malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day.

Transporta-
tion

(8) Transportation of Malt or Brewed Beverages. For any person, to transport malt or brewed beverages except in the original containers, or to transport malt or brewed beverages for another who is engaged in selling either liquor or malt or brewed beverages, unless such person shall hold (a) a license to transport for hire, alcohol, liquor and malt or brewed beverages, as hereinafter provided in this act, or (b) shall hold a permit issued by the board and shall have paid to the board such permit fee, not exceeding one hundred dollars (\$100), and shall have filed with the board a bond in the penal sum of not more than two thousand dollars (\$2000), as may be fixed by the rules and regulations of the board, any other law to the contrary notwithstanding.

Permit

(9) Transportation of Malt or Brewed Beverages by Licensee. For a malt or brewed beverage licensee, to deliver or transport any malt or brewed beverages, excepting in vehicles bearing the name and address and license number of such licensee painted or affixed on each side of such vehicle in letters no smaller than four inches in height.

Delivery
vehicle

Lettering 4"
high

Transporta-
tion and
import restric-
tions

(10) *(This section was repealed "in so far as it requires tax stamps or crowns to be affixed to containers in which malt or brewed beverages are transported" by Section 16 (a) of Act 51 of June 2, 1965, P. L. 64)* Importing or Transporting Malt or Brewed Beverages Without Tax Stamps. For any person, to transport within or import any malt or brewed beverages into this Commonwealth, except in accordance with the rules and regulations of the board, or for any person to transport malt or brewed beverages into or within this Commonwealth, unless there shall be affixed to the original containers in which such malt or brewed beverages are transported, stamps or crowns evidencing the payment of the malt liquor tax to the Commonwealth: Provided, however, That this clause shall not be construed to prohibit transportation of malt or brewed beverages through this Commonwealth and not for delivery therein, if such transporting is done in accordance with the rules and regulations of the board.

Tax payment

Delivery with
other commod-
ity

(11) Delivery of Malt or Brewed Beverages With Other Commodities. For any manufacturer, importing distributor or distributor, or his servants, agents or employees, except

with board approval, to deliver or transport any malt or brewed beverages in any vehicle in which any other commodity is being transported.

(12) **Distributors and Importing Distributors Engaging in Other Business.** For any distributor or importing distributor, or his servants, agents or employes, without the approval of the board; and then only in accordance with board regulations, to engage in any other business whatsoever, except the business of distributing malt or brewed beverages.

Other business

(13) **Possession or Storage of Liquor or Alcohol by Certain Licensees.** For any distributor, importing distributor or retail dispenser, or his servants, agents or employes, to have in his possession, or to permit the storage of on the licensed premises or in any place contiguous or adjacent thereto accessible to the public or used in connection with the operation of the licensed premises, any alcohol or liquor.

Possession of liquor

(14) **Malt or Brewed Beverage Licensees Dealing in Liquor or Alcohol.** For any malt or brewed beverage licensee, other than a manufacturer, or the servants, agents or employes thereof, to manufacture, import, sell, transport, store, trade or barter in any liquor or alcohol.

Transactions in liquor

(15) **Selling to Persons Doing Illegal Business.** For any malt or brewed beverage licensee, or his servants, agents or employes, to knowingly sell any malt or brewed beverages to any person engaged in the business of illegally selling liquor or malt or brewed beverages.

Sales to illegal vendors

(16) **Distributors and Importing Distributors Failing to Keep Records.** For any importing distributor or distributor engaged in the sale of products, other than malt or brewed beverages, to fail to keep such complete separate records covering in every respect his transactions in malt or brewed beverages as the board shall by regulation require.

Failure to keep records

(17) **Fortifying, Adulterating or Contaminating Malt or Brewed Beverages.** For any person, to fortify, adulterate, contaminate, or in any wise to change the character or purity of, the malt or brewed beverages from that as originally marketed by the manufacturer at the place of manufacture.

Fortification
Adulteration

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.—The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful—

(1) **Furnishing Liquor or Malt or Brewed Beverages to Certain Persons.** For any licensee or the board, or any employe, servant or agent of such licensee or of the board, or any other person, to sell, furnish or give any liquor or malt or brewed beverages, or to permit any liquor or malt or brewed beverages to be sold, furnished or given, to any

Sales to intoxicated persons

**Insane, Minors
Habitual
drunkards**

person visibly intoxicated, or to any insane person, or to any minor, or to habitual drunkards, or persons of known intemperate habits.

Credit

**Licenseses'
checks**

Exceptions

**Sales outside
the State**

**Container
deposits**

(2) (As amended by Act 533 of May 15, 1956, P.L. 1587; Act 211 of June 15, 1961, P.L. 423; Act 180 of October 9, 1967, P.L. and Act 11 of February 16, 1970, P.L.) Purchase or Sale of Liquor or Malt or Brewed Beverages on Credit. For any licensee, his agent, servant or employee, to sell or offer to sell or purchase or receive any liquor or malt or brewed beverages except for cash, excepting credit extended by a hotel or club to bona fide guest or member, or by railroad or Pullman companies in dining, club or buffet cars to passengers for consumption while enroute, holding authorized credit cards issued by railroad or railroad credit bureaus, or by hotel, restaurant and public service licensees to customers holding credit cards issued in accordance with regulations of the Board or credit cards issued by banking institutions subject to State or Federal regulation: Provided further, That nothing herein contained shall be construed to prohibit the use of checks or drafts drawn on a bank, banking institution, trust company or similar depository, organized and existing under the laws of the United States of America or the laws of any state, territory or possession thereof, in payment for any liquor or malt or brewed beverages if the purchaser is the payor of the check or draft, and the licensee is the payee. No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause. Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for original containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid by such purchaser for such containers or as a deposit on containers when title is retained by the vendor if such original containers have been returned to the licensee. Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania, when the liquor or malt or brewed beverages so sold are actually transported and delivered to points outside of the Commonwealth: Provided, however, That as to all transactions affecting sale of liquor or malt or brewed beverages to be resold or consumed within the Commonwealth, every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces and all such cash deposits shall be refunded upon return of the original containers.

(3) **Exchange of Liquor or Malt or Brewed Beverages For Merchandise, etc.** For any licensee or the board, or any employe, servant or agent of a licensee or of the board, to sell, offer, to sell or furnish any liquor or malt or brewed beverages to any person on a pass book or store order, or to receive from any person any goods, wares, merchandise or other articles in exchange for liquor or malt or brewed beverages.

Pass-book or
Store order

(4) **Peddling Liquor or Malt or Brewed Beverages.** For any person, to hawk or peddle any liquor or malt or brewed beverages in this Commonwealth.

Hawk and
peddle

(5) **Failure to Have Brands as Advertised.** For any licensee, his servants, agents or employes, to advertise or hold out for sale any liquor or malt or brewed beverages by trade name or other designation which would indicate the manufacturer or place of production of the said liquor or malt or brewed beverages, unless he shall actually have on hand and for sale a sufficient quantity of the particular liquor or malt or brewed beverages so advertised to meet requirements to be normally expected as a result of such advertisement or offer.

Advertising
without supply

(6) **Brand or Trade Name on Spigot.** For any licensee, his agents, servants or employes, to furnish or serve any malt or brewed beverages from any faucet, spigot or other dispensing apparatus, unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet, spigot, or dispensing apparatus.

Tap markings

(7) **Alcoholic Strength on Label of Malt or Brewed Beverages.** For any licensee, or his servants, agents or employes, to transport, sell, deliver or purchase any malt or brewed beverages upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage, or which refers in any manner to the original alcoholic strength, extract or balling proof from which such malt or brewed beverage was produced. This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic content of malt or brewed beverages intended for shipment into another state or territory, when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package.

Alcohol
content on
label

(8) **Advertisements on Labels Giving Alcoholic Content of Malt or Brewed Beverages.** For any manufacturer or other licensee, or his servants, agents or employes, to issue, publish or post, or cause to be issued, published or posted, any advertisement of any malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverage manufactured, sold or distributed by such licensees, or to use in any advertisement or label such words as "full strength," "extra strength," "high test," "high proof," "pre-war strength," or similar words or phrases, which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content, or to use in or on any advertisement or label any numeral, unless adequately explained in type of the same

Advertising
alcoholic
strength

size, prominence and color, or for any licensee to purchase, transport, sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause.

Free Lunch

(9) **Retail Licensees Furnishing Free Lunch, etc.** For any retail liquor licensee or any retail dispenser, his agent, servants or employes, to furnish, give or sell below a fair cost any lunch to any consumer, except such articles of food as the board may authorize and approve.

Amusement Permit

(10) ***Entertainment on Licensed Premises (Except Clubs); Permits; Fees.** For any licensee, his servant, agents or employes, except club licensees, to permit in any licensed premises or in any place operated in connection therewith, dancing, theatricals or floor shows of any sort, or moving pictures other than television, or such as are exhibited through machines operated by patrons by the deposit of coins, which project pictures on a screen not exceeding in size twenty-four by thirty inches and which forms part of the machine, unless the licensee shall first have obtained from the board a special permit to provide such entertainment, or for any licensee, under any circumstances, to permit in any licensed premises any lewd, immoral or improper entertainment, regardless of whether a permit to provide entertainment has been obtained or not. The board shall have power to provide for the issue of such special permits, and to collect a fee for such permits equal to one-fifth of the annual license fee but not less than twenty-five dollars (\$25). All such fees shall be paid into the State Stores Fund. No such permit shall be issued in any municipality which, by ordinance, prohibits amusements in licensed places. Any violation of this clause shall, in addition to the penalty herein provided, subject the licensee to suspension or revocation of his permit and his license.

Lewd entertainment

Fee: 1/5th
License fee
not less than
\$25

Employment by other licensees

(11) **Licensees Employed by Others.** For any hotel, restaurant or club liquor licensee, or any malt or brewed beverage licensee, or any servant, agent or employe of such licensee, to be at the same time employed, directly or indirectly, by any other person engaged in the manufacture, sale, transportation or storage of liquor, malt or brewed beverage or alcohol: Provided, That any person (except a licensee or the manager, officer or director of a licensee) who is employed by a Retail licensee to prepare or serve food and beverages may be employed in the same capacity by another Retail licensee during other hours or on other days.

Records

(12) **Failure to Have Records on Premises.** For any liquor licensee, or any importing distributor, distributor or retail dispenser, to fail to keep on the licensed premises for a period of at least two years complete and truthful records covering the operation of his licensed business, particularly showing the date of all purchases of liquor and malt or brewed beverages, the actual price paid therefor, and the

* Section 2 of Act 426 of December 16, 1965, P. L. 1106, provides "Clause (10) of section 493 shall not be applicable when the licensee [Trade show and convention] makes sales of liquor or malt or brewed beverages in the Philadelphia Commercial Museum or the Center for International Visitors notwithstanding the fact that the Museum and the Center may be operating in connection with another place where entertainment is being conducted."

name of the vendor, including State Store receipts, or for any licensee, his servants, agents or employes, to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours.

Access to

(13) **Retail Licensees Employing Minors.** For any hotel, restaurant or club liquor licensee, or any retail dispenser, to employ any minor or to permit any minor to render any service whatever in or about the licensed premises, except in accordance with board regulations, nor shall any entertainer be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth.

Employment of minors

(14) **Permitting Undesirable Persons or Minors to Frequent Premises.** For any hotel, restaurant or club liquor licensee, or any retail dispenser, his servants, agents or employes, to permit persons of ill repute, known criminals, prostitutes or minors to frequent his licensed premises or any premises operated in connection therewith, except minors accompanied by parents, guardians, or under proper supervision.

Frequenting by known criminals, Prostitutes, Minors

(15) *(As amended by Act 504 of January 14, 1952, P. L. 1865 and Act 170 of June 14, 1957, P. L. 322)* **Cashing Pay Roll, Public Assistance, Unemployment Compensation or Any Other Relief Checks.** For any licensee or his servants, agents or employes to cash pay roll checks or to cash, receive, handle or negotiate in any way Public Assistance, Unemployment Compensation or any other relief checks.

Cashing pay-roll checks

(16) **Furnishing or Delivering Liquor or Malt or Brewed Beverages at Unlawful Hours.** For any licensee, his servants, agents or employes, to give, furnish, trade, barter, serve or deliver any liquor or malt or brewed beverages to any person during hours or on days when the licensee is prohibited by this act from selling liquor or malt or brewed beverages.

Service during prohibited hours or days

(17) **Licensees, etc., Interested or Employed in Manufacturing or Sale of Equipment or Fixtures.** For any licensee, or any officer, director, stockholder, servant, agent or employe of any licensee, to own any interest, directly or indirectly, in or be employed or engaged in any business which involves the manufacture or sale of any equipment, furnishings or fixtures to any hotel, restaurant or club licensees, or to any importing distributors, distributors or retail dispensers:

Interest or ownership in equipment business

Provided, however, That as to malt or brewed beverage licensees, the provisions of this subsection shall not apply to such a conflicting interest if it has existed for a period of not less than three years prior to the first day of January, one thousand nine hundred thirty-seven, and the board shall approve.

Exceptions

(18) **Displaying Price of Liquor or Malt or Brewed Beverages.** For any restaurant, hotel or club liquor licensee, or any importing distributor, distributor or retail dispenser, or the servants, agents or employes of such licensees, to display on the outside of any licensed premises or to display any place within the licensed premises where it can be seen from the outside, any advertisement whatsoever referring, directly or indirectly, to the price at which the licensee will sell liquor or malt or brewed beverages.

Advertising price

Outside signs

(19) **Licensee's Outside Advertisements.** For any retail liquor licensee or any retail dispenser, distributor or importing distributor, to display in any manner whatsoever on the outside of his licensed premises, or on any lot of ground on which the licensed premises are situate, or on any building of which the licensed premises are a part, a sign of any kind, printed, painted or electric, advertising any brand of liquor or malt or brewed beverage, and it shall be likewise unlawful for any manufacturer, distributor or importing distributor, to permit the display of any sign which advertises either his products or himself on any lot of ground on which such licensed premises are situate, or on any building of which such licensed premises are a part.

Inside signs

(20) **Retail Liquor and Retail Malt or Brewed Beverages Licensee's Inside Advertisements.** For any retail liquor or retail malt or brewed beverages licensee, to display or permit the display in the show window or doorways of his licensed premises, any placard or sign advertising the brands of liquor or malt or brewed beverages produced by any one manufacturer, if the total display area of any such placard or sign advertising the products of any one manufacturer exceeds three hundred square inches. Nothing herein shall prohibit a licensee from displaying inside his licensed premises point of sale displays advertising brand names of products sold by him, other than a window or door display: Provided, That the total cost of all such point of sale advertising matter relating to products of any one manufacturer shall not exceed the sum of twenty dollars (\$20) at any one time, and no single piece of advertising shall exceed a cost of ten dollars (\$10). All such advertising material, including the window and door signs, may be furnished by a manufacturer, distributor or importing distributor.

Right to Inspect

(21) **Refusing The Right of Inspection.** For any licensee, or his servants, agents or employes, to refuse the board or any of his authorized employes the right to inspect completely the entire licensed premises at any time during which the premises are open for the transaction of business, or when patrons, guests or members are in that portion of the licensed premises wherein either liquor or malt or brewed beverages are sold.

Rebates

(22) **Allowance or Rebate to Induce Purchases.** For any licensee, or his servants, agents or employes, to offer, pay, make or allow, or for any licensee, or his servants, agents or employes, to solicit or receive any allowance or rebate, refunds or concessions, whether in the form of money or otherwise, to induce the purchase of liquor or malt or brewed beverages or any other commodity manufactured or sold by the licensee.

Inducements

(23) **Money or Valuables Given to Employes to Influence Actions of Their Employers.** For any licensee, or any agent, employe or representative of any licensee, to give or permit to be given, directly or indirectly, money or any

thing of substantial value, in an effort to induce agents, employees or representatives of customers or prospective customers to influence their employer or principal to purchase or contract to purchase liquor or malt or brewed beverages from the donor of such gift, or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees.

(24) **Things of Value Offered as Inducement.** For any licensee under the provisions of this article, or the board or any manufacturer, or any employee or agent of a manufacturer, licensee or of the board, to offer to give anything of value or to solicit or receive anything of value as a premium for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrel or package containing liquor or malt or brewed beverage, or to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of liquor or malt or brewed beverage, or for any other purpose whatsoever in connection with the sale of such liquor or malt or brewed beverage, or for any licensee, manufacturer or other person to offer or give to trade or consumer buyers any prize, premium, gift or other similar inducement, except advertising novelties of nominal value which the board shall define: Provided, however, That this section shall not apply to the return of any monies specifically deposited for the return of the original container to the owners thereof.

(25) *(As amended by Act 135 of September 25, 1967, P.L.)* **Employment of Females in Licensed Places.** For any licensee or his agent, to employ or permit the employment of any female at his licensed hotel, restaurant or eating place for the purpose of enticing customers, or to encourage them to drink liquor, or make assignations for improper purposes: Provided, That nothing in this section shall be construed to prevent the employment of any female waitress who regularly takes orders for food from serving food, liquor or malt or brewed beverages at tables; also, that nothing shall prevent any such licensees from employing any female stenographer, hotel secretary, clerk, or other employee for their respective positions: Provided, further, That nothing in this section shall be so construed as to prevent the wife of any such licensee or agent or any employed female from mixing or serving liquor or malt or brewed beverages behind the bar of any such licensed place.

Any person violating the provisions of this clause shall be guilty of a misdemeanor and, upon conviction of the same, shall be sentenced to pay a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), for each and every female so employed, or undergo an imprisonment of not less than three (3) months, nor more than one (1) year, or either or both, at the discretion of the court having jurisdiction of the case. The board shall have the power to revoke or refuse licenses for violation of this clause.

Things of Value

Prizes or premiums

Exceptions

Employment of females

Exceptions

**Issuance of
worthless
checks****Recipient to
give notice****Penalties****Misdemeanor
Fine \$100-\$500****Subsequent
offense Fine
\$300-\$500****Citation
additional****Identification
card issuance**

(26) (As added by Act 211 of June 15, 1961, P. L. 423) **Worthless Checks.** For any retail liquor licensee or any retail dispenser, distributor or importing distributor, to make, draw, utter, issue, or deliver, or cause to be made, drawn, uttered, issued or delivered, any check, draft or similar order, for the payment of money in payment for any purchase of malt or brewed beverages, when such retail liquor licensee, retail dispenser, distributor or importing distributor, has not sufficient funds in, or credit with, such bank, banking institution, trust company or other depository, for the payment of such check. Any person who is a licensee under the provisions of this article, who shall receive in payment for malt or brewed beverages sold by him any check, draft or similar order for the payment of money, which is subsequently dishonored by the bank, banking institution, trust company or other depository, upon which drawn, for any reason whatsoever, shall, within five days of receipt of notice of such dishonor, notify by certified mail the person who presented the said worthless check, draft or similar order.

Section 494. (As amended by Act 583 of May 25, 1956, P. L. 1743) Penalties.—(a) Any person who shall violate any of the provisions of this article, except as otherwise specifically provided, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), and on failure to pay such fine, to imprisonment for not less than one month, nor more than three months, and for any subsequent offense, shall be sentenced to pay a fine of not less than three hundred dollars (\$300), nor more than five hundred dollars (\$500), and to undergo imprisonment for a period not less than three months, nor more than one year.

(b) The right of the board to suspend and revoke licenses granted under this article shall be in addition to the penalty set forth in this section.

Section 495 (As amended by Act 456 of August 21, 1961, P.L. 1015, and by Act 12 of February 16, 1970, P.L.) Identification Cards; Licensees and State

Liquor Store Employees Saved From Prosecution.

(a) The Board shall issue to any person who shall have attained the age of twenty-one years, an identification card bearing the said person's date of birth, physical description, photograph, signature, and such other information, as the Board by regulation may determine, attesting to the age of the applicant, upon application therefor by said person, filed no earlier than fifteen days prior to attaining the age of twenty-one. Such cards shall be numbered and a permanent record thereof maintained by the board. The board may, in its discretion, impose a charge for such cards in an amount to be determined by it, and it may, upon proof of loss of such identification card by and upon application of anyone to whom such card may have been issued, issue a duplicate thereof and impose a charge therefor in an amount as it may by regulation prescribe. The board shall have the power to make such regula-

tions as it shall, from time to time, deem proper regarding the size, style and additional content of the identification card, the form and content of any application therefor, the type, style and quantity of proof required to verify the applicant's age, the procedure for receiving and processing such application, the distribution of said card, the charge to be imposed for any card more than one that it shall issue to the same applicant, and all other matters the board shall deem necessary or advisable for the purpose of carrying into effect the provisions of this section.

(b) Such identification card shall be presented by the holder thereof upon request of any State Liquor Store or any licensee, or the servant, agent or employe thereof, for the purpose of aiding such store licensee or the servant, agent or employe to determine whether or not such person is twenty-one years of age and upwards, when such person desires alcoholic beverage at a State Liquor Store or licensed establishment.

(c) In addition to the presentation of such identification card, the agent of the State Liquor Store or the licensee or his servant, agent or employe, shall require the person whose age may be in question to fill in and sign a card in the following form:

Identification card shall be presented upon request

Card to be filled in and signed

I, 196....., hereby represent to a State Store or licensee of the Pennsylvania Liquor Control Board, that I am of full age and discretion and over the age of 21 years, having been born on 19....., at This statement is made to induce said store or licensee above named to sell or otherwise furnish alcoholic beverages to the undersigned.

Serial Number of Identification Card:

I understand that I am subject to a fine of \$300.00 and sixty days imprisonment for any misrepresentation herein.

(Name)

(Address)

Witness:

Name

Address

Such statement shall be printed upon a 3 inch by 5 inch or 4 inch by 5 inch file card, which card shall be filed alphabetically by the State Liquor Store or licensee, at or before the close of business on the day of which said certificate is executed, in a file box containing a suitable alphabetical index, and which card shall be subject to examination by any officer, agent or employe of the Liquor Control Board at any and all times.

Size of file card

Statement to be filed

(d) It shall be unlawful for the owner of an identification card, as defined by this act, to transfer said card to any other person for the purpose of aiding such person to secure alcoholic beverage. Any person who shall transfer such identification card for the purpose of aiding such transferee to obtain alcoholic beverage shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not

Identification card not transferable

Penalties

more than three hundred dollars (\$300), or undergo imprisonment for not more than sixty (60) days. Any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him, as aforesaid, identification card or any person who shall make any false statement on any card required by subsection (c) hereof to be signed by him shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred dollars (\$300), or undergo imprisonment for not more than sixty (60) days.

Signed statement in possession of licensee may be offered as a defense in civil and criminal prosecutions

(c) The signed statement in the possession of a licensee or an employee of a State Liquor Store may be offered as a defense in all civil and criminal prosecutions for serving a minor, and no penalty shall be imposed if the Liquor Control Board or the courts are satisfied that the licensee or State Liquor Store employee acted in good faith.

Reporting of worthless checks

Section 496. (*As added by Act 211 of June 15, 1961, P. L. 423*) **Reporting of Worthless Checks.**—Any person who is a licensee under the provisions of this article, who shall receive in payment for malt or brewed beverages sold by him any check, draft or similar order, for the payment of money, which is subsequently dishonored by the bank, banking institution, trust company or other depository, upon which drawn, for any reason whatsoever, shall, within twenty days of receipt of notice of such dishonor, notify the board thereof. Such notification to the board shall be in such manner and form as the board shall direct.

Section 497. (*As added by Act 441 of December 22, 1965, P. L. 1144*) **Liability of Licensees.**—No licensee shall be liable to third persons on account of damages inflicted upon them off of the licensed premises by customers of the licensee unless the customer who inflicts the damage was sold, furnished or given liquor or malt or brewed beverages by the said licensee or his agent, servant or employee when the said customer was visibly intoxicated.

ARTICLE V.

DISTILLERIES, WINERIES, BONDED WAREHOUSES, BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE.

Unlawful to manufacture, etc., without a license

Exception

Section 501. License Required. Except as otherwise provided in this article, and except as otherwise provided in article four as to malt and brewed beverages, it shall be unlawful for any person without a license obtained under provisions of this article to hold in storage as bailee for hire, or transport for hire, any malt or brewed beverage, or to manufacture, produce, distill, develop or use in the process of manufacture, denature, redistill, recover, rectify, blend, reuse, hold in bond, hold in storage as bailee for hire, or transport for hire, within this Commonwealth, any alcohol or liquor, except that a person may manufacture wine out of grapes grown in Pennsylvania by fermentation only and with no alcohol or alcoholic product added thereto by way of fortification and sell the same to a licensed winery.

Section 502. Exemptions.—No license hereunder shall be required from any registered pharmacist; or a physician licensed by the State Board of Medical Education and Licensure; or any person who makes and sells vinegar, nonalcoholic cider and fruit juices; or any person who manufactures, stores, sells or transports methanol, propanol, butanol and amanol; or any person who conducts a wholesale drug business; or any person who manufactures alcoholic preparations not fit for use as a beverage, other than denatured alcohol or for beverage purposes; any person engaged in the manufacture; possession or sale of patent, patented or proprietary medicines, toilet, medicinal or antiseptic preparations unfit for beverage purposes, or solutions or flavoring extracts or syrups unfit for beverage purposes; or any person who manufactures or sells paints, varnishes, enamels, lacquers, stains or paint, or varnish removing or reducing compounds, or wood fillers; or any person who manufactures any substance where the alcohol or any liquor is changed into other chemical substances and does not appear in the finished product as alcohol or liquor; or any common carrier by railroad which is subject to regulation by the Pennsylvania Public Utility Commission of the Commonwealth of Pennsylvania, or scheduled common carriers by air of mail and passengers; or any person who sells, stores or transports alcohol or liquor completely denatured, as specified by the board.

Persons
exempted
from the
provisions

Section 503. Qualifications for License.—No license shall be issued under the provisions of this article to any person unless (a) in case of individuals, he or she is a citizen of the United States of America, (b) in case of companies or unincorporated associations of individuals, each and every one is a citizen of the United States of America, (c) in case of corporations, each and every stockholder thereof is a citizen of the United States of America.

Issuance to
certain persons
forbidden

Section 504. Applications; Filing Fees.—(a) (*As amended by Act 702 of September 28, 1961, P. L. 1728*) Every applicant for a license under this article, shall file with the board a written application in such form as the board shall from time to time require. Every such application shall be accompanied by a filing fee of twenty dollars (\$20), the prescribed license fee and the bond hereinafter specified, and shall set forth:

Contents of
petition for
license

1. The legal names of the applicant and of the owner of the place where business under the license will be carried on, with their residence addresses by street and number, if a partnership, of each separate partner, and if a corporation, of each individual officer thereof.

2. The exact location of said place of business and of every place to be occupied or used in connection with such business, the productive capacity of each plant where any alcohol or liquor is to be manufactured, produced, distilled, rectified, blended, developed or used in the process of manufacture, denatured, redistilled, recovered, reused, the capacity of every warehouse or other place where such alcohol or liquor or malt or brewed beverage is to be held in bond or stored for hire or the equipment to be used where a transportation business is to be carried on under the license.

3. That each and every one of the applicants is a citizen of the United States of America.

4. Such other relevant information as the board shall from time to time require by rule or regulation.

Affidavit

(b) Each application must be verified by affidavit of the applicant made before any officer legally qualified to administer oaths, and if any false statement is wilfully made in any part of said application, the applicant or applicants shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided by this article.

Issuance of license

Section 505. (As amended by Act 272 of July 31, 1968, P.L.) Licenses Issued. Upon receipt of the application in the form herein provided, the proper fees and an approved bond as herein designated, the Board may grant to such applicant a license to engage in, (a) the operation of a limited winery or a winery; or, (b) the manufacturing, producing, distilling, developing, or using in the process of manufacturing, denaturing, redistilling, recovering, rectifying, blending and reusing of alcohol and liquor; or, (c) the holding in bond of alcohol and liquor; or, (d) the holding in storage, as bailee for hire, of alcohol, liquor and malt or brewed beverages; or, (e) the transporting for hire of alcohol, liquor and malt or brewed beverages.

Section 505.1. (As added by Act 348 of February 17, 1956, P. L. 1077) Bonded Warehouse License Privileges Restrictions.—Holders of bonded warehouse licenses may:

(a) Receive and store in bond liquor owned by Pennsylvania licensed manufacturers and importers.

(b) Receive and store in bond alcohol owned by Pennsylvania licensed manufacturers.

(c) Receive and store in bond liquor owned by licensees outside this Commonwealth. Such liquor shall be released from the bonded warehouse for delivery within this Commonwealth only to persons holding a liquor importer's license issued by the Pennsylvania Liquor Control Board authorizing the importation of liquor or to other storage facilities or persons outside this Commonwealth.

(d) Receive and store in bond alcohol owned by licensees outside this Commonwealth. Such alcohol shall be released from the bonded warehouse for delivery within this Commonwealth only to persons holding an alcohol permit issued by the Pennsylvania Liquor Control Board authorizing the importation of alcohol or to other storage facilities or persons outside this Commonwealth.

All liquor and alcohol received and stored pursuant to this section shall be in original containers of ten gallons or greater capacity. Liquor and alcohol placed in storage in accordance with the foregoing provisions may remain in storage notwithstanding any change in ownership.

Section 505.2. (As added by Act 272 of July 31, 1968, P.L.) Limited Wineries. Holders of a limited winery license may:

(1) Produce table wines only from grapes grown in Pennsylvania in an amount not to exceed fifty thousand (50,000) gallons per year.

(2) Sell wine produced by the limited winery on the licensed premises, under such conditions and regulations as the Board may enforce, to the Liquor Control Board, to individuals and to hotel, restaurant, club and public service liquor licensees.

Section 506. Bonds Required. (a) No license shall be issued to any such applicant until he has filed with the Board an approved bond, duly executed, payable to the Commonwealth of Pennsylvania, together with a warrant of attorney to confess judgment in the penal sum herein set forth. All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth and regulations of the board relating to alcohol, liquor and malt or brewed beverages and the conditions of the license, and shall have as surety a duly authorized surety company, or shall have deposited therewith, as collateral security, cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds.

Condition of
Bond

(b) In all cases where cash or securities in lieu of other surety have been deposited with the board, the depositor shall be permitted to continue the same deposit from year to year on each renewal of license, but in no event shall he be permitted to withdraw his deposit during the time he holds said license, or until six months after the expiration of the license held by him, or while revocation proceedings are pending against such licensee.

(c) All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him. The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board.

(d) After notice from the board that such a bond has been forfeited, the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such bond, and when securities have been deposited with such a bond, the State Treasurer shall sell at private sale, at not less than the prevailing market price, any such securities so deposited as collateral with any such forfeited bond. The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities, except that if the amount so realized, after deducting proper costs and expenses, is in excess of the penal amount of the bond, such excess shall be paid over by him to the obligor on such forfeited bond.

(e) The penal sum of bonds required to be filed by applicants for license shall be as follows.

Penal sum of
bonds

In the case of a distillery (manufacturer), the bond shall be in the amount of ten thousand dollars (\$10,000); in the case of a bonded warehouse, a bailee for hire and a transporter for hire, each shall be in the amount of three thousand

dollars (\$3000); and in the case of a winery, shall be in the amount of five thousand dollars (\$5000). Such bonds shall be filed with and retained by the board.

(f) Every such bond shall be turned over to the Department of Justice to be collected if and when the licensee's license shall have been revoked and his bond forfeited as provided in this act.

Hearings

Section 507. Hearings Upon Refusal of Licenses.—

The board may of its own motion, and shall upon the written request of any applicant for license or for renewal thereof whose application for such license or renewal has been refused, fix a time and place for hearing of such application or renewal, notice of which hearing shall be sent to the applicant by registered mail, at the address given in his application. Such hearing shall be before the board, a member thereof, or an examiner designated by the board. At such hearing, the board shall present its reasons for its refusal or withholding of such license or renewal thereof. The applicant may appear in person or by counsel, may cross-examine the witnesses for the board, and may present evidence which shall likewise be subject to cross-examination by the board. Such hearing shall be stenographically recorded. The examiner shall thereafter report to the board. The board shall thereafter grant or refuse the license or renewal thereof. If the board shall refuse such license or renewal following such hearing, notice in writing of such refusal shall be mailed to the applicant at the address given in his application. In all cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order.

Notice of refusal

Fees

Section 508. (*As amended by Act 272 of July 31, 1968, P.L. . .*) License Fees. The annual fee for every license issued to a limited winery or a winery shall be two hundred and fifty dollars (\$250). The annual fee for every license issued to a distillery (manufacturer) shall be twenty-five hundred dollars (\$2500) per annum if the annual production is five hundred thousand (500,000) proof gallons or less, and an additional fee of one hundred dollars (\$100) for each one hundred thousand (100,000) proof gallons or fraction thereof in excess of five hundred thousand (500,000) proof gallons, but for the purpose of determining the amount of the fee payable by a distillery, the annual production of alcohol that is denatured by the manufacturer thereof during the license year in Pennsylvania and not elsewhere shall be excluded, but alcohol or liquor used by the manufacturer thereof during the license year in rectification or blending shall not be excluded, except that no fee for a distillery shall be less than twenty-five hundred dollars (\$2500) per annum. The annual fee for all other licenses shall be one hundred dollars (\$100). The fee for any license when applied for and issued on or after April first, but prior to July first, shall be three-fourths of the annual fee; July first, but prior to October first, shall be one-half of the annual fee; October first, but prior to January first, one-fourth of the annual fee.

Apportioned fees

For the purpose of this section, the term "proof gallon" shall mean a gallon liquid which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit.

"Proof gallon,"
defined

Section 509. License Must Be Posted; Business Hours.—Licenses shall be issued by the board under its official seal. Every license so issued must at all times be posted in a conspicuous place where the business is carried on under it, and said place of business must be kept open during general business hours of every day in the year except Sundays and legal holidays.

Issuance of
licenses
Posting

Section 510. Containers To Be Labeled.—All persons, except as exempted by section five hundred two hereof, manufacturing, producing, distilling, developing or using in the process of manufacture, denaturing, redistilling, recovering, rectifying, blending, reusing, holding in bond, holding in storage as bailee for hire, or transporting for hire of alcohol or liquor under the provisions of this article, shall securely and permanently attach to every container ready for shipment thereof as the same is manufactured, produced, distilled, developed, denatured, redistilled, recovered, rectified, blended, reused, a label stating the name of the manufacturer, kind and quantity of alcohol or liquor contained therein, and the date of its manufacture, together with the number of the license authorizing the manufacture thereof, and all persons possessing such alcohol or liquor in wholesale quantities shall securely keep and maintain such label thereon.

Container
to be labeled,

Section 511. License to Specify Each Place Authorized For Use.—Every license issued under the provision of this article shall specify by definite location every place to be occupied or used in connection with the business to be conducted thereunder. It shall be unlawful for the holder of any license to occupy or use any place in connection with any business authorized under a license other than the place or places designated therein.

Specifications
of license

Violation

Section 512. Records To Be Kept.—Every person holding a license issued under the provisions of this article shall keep on the licensed premises daily permanent records which shall show, (a) the quantities of any alcohol or liquor manufactured, produced, distilled, developed, denatured, redistilled, recovered, reused, stored in bond, stored as bailee for hire, received or used in the process of manufacture by him, and of all other material used in manufacturing or developing any alcohol or liquor; (b) the sales or other disposition of any alcohol, liquor or malt or brewed beverages if covered by said license; (c) the quantities thereof, if any, stored in bond, stored for hire, or transported for hire by or for the licensee; and (d) the names and addresses of the purchasers or other recipients thereof: Provided, however, That persons holding licenses issued under the provisions of this article for the transportation for hire of any alcohol, liquor or malt or brewed beverages shall not be required to keep the above records, but shall keep daily permanent records showing the

Licensee to
keep records

names and addresses of the persons from whom any alcohol, liquor or malt or brewed beverage was received and to whom delivered, and such other permanent records as the board shall prescribe.

**Inspection
by board**

**For detection
of violations**

**For ascertain-
ing correctness
of records**

**Books to be
open for
inspection**

**Right of
entry for
inspection**

**Licensee may
be cited for
violations**

**Revocation of
license**

Section 513. Premises and Records Subject To Inspection.—Every place operated under license secured under the provisions of this article where any alcohol, liquor or malt or brewed beverage covered by the license is manufactured, produced, distilled, developed or used in the process of manufacture, denatured, redistilled, rectified, blended, re-covered, reused, held in bond, stored for hire or in connection with a licensee's business, shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night, as they may deem necessary, (a) for the detection of violations of this act or of the rules and regulations of the board promulgated under the authority of this act, or (b) for the purpose of ascertaining the correctness of the records required by this act to be kept by licensees and the books and records of licensees, and the books and records of their customers, in so far as they relate to purchases from said licensees, shall at all times be open to inspection by the members of the board or by persons duly authorized and designated by the board for the purpose of making inspection as authorized by this section. Members of the board and the persons duly authorized and designated by the board shall have the right, without fee or hindrance, to enter any place which is subject to inspection hereunder, or any place where records subject to inspection hereunder are kept, for the purpose of making such inspections.

Section 514. Suspension and Revocation of License.—(a) Upon learning of any violation of this act or of any rule or regulation promulgated by the board under the authority of this act, or any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of alcohol, liquor or malt or brewed beverage by the holder of a license issued under the provisions of this article, or upon other sufficient cause, the board may, within one year from the date of such violation or cause appearing, cite such licensee to appear before it or its examiner not less than ten (10) nor more than fifteen (15) days from the date of sending such licensee, by registered mail, a notice addressed to his licensed premises, to show cause why the license should not be suspended or revoked. Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. And upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the board shall immediately suspend or revoke such license, notifying the licensee thereof by registered letter addressed to his licensed premises, or to the address given in his application where no licensed premises is maintained in Pennsylvania.

(b) When a license is revoked, the licensee's bond may be forfeited by the board. Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act relating to alcohol, liquor or malt or brewed beverages until the expiration of three (3) years from the

date such license was revoked. In the event the board shall revoke a license, no license shall be granted for the premises or transferred to the premises in which said license was conducted for a period of at least one (1) year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within said year. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order.

Section 515. Appeals.—Any licensee aggrieved by any decision of the board refusing, suspending or revoking a license under the provisions of this article may appeal within twenty (20) days from the date of refusal, suspension or revocation to the court of quarter sessions of the county in which the licensed premises or the premises to be licensed are located. In the event an applicant or a licensee shall have no place of business established within the Commonwealth, his appeal shall be to the court of quarter sessions of Dauphin County. Such appeal shall be upon petition of the applicant or licensee, as the case may be, who shall serve a copy thereof upon the board. The said appeal shall act as a supersedeas, unless upon sufficient cause shown the court shall determine otherwise. The court shall hear the application de novo at such time as it shall fix, of which notice shall be given to the board. The court shall, in the case of a refusal by the board, either sustain such refusal or order the issuance of the license to the applicant. The parties to such proceeding may, within thirty (30) days from the filing of said court order or decree, appeal therefrom to the Superior Court.

Appeals

Section 516. Compromise Penalty In Lieu of Suspension.—In those cases where the board shall suspend a license, the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and shall thereupon rescind its order of suspension. In the case of a distillery licensee, the offer in compromise shall be at the rate of one hundred dollars (\$100) for each day of suspension; in the case of a bonded warehouse, bailee for hire and transporter or hire licensees, twenty-five dollars (\$25) for each day; and in the case of a winery licensee, fifty dollars (\$50) for each day. No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of one hundred (100) days.

Offer in
compromise

Section 517. Expiration of Licenses; Renewals.—All licenses issued under this article shall expire at the close of the calendar year, but new licenses for the succeeding year shall be issued upon written application therefor, duly verified by affidavit, stating that the facts in the original application are unchanged, and upon payment of the fee as hereinafter provided and the furnishing of a new bond, without the filing of further statements or the furnishing of any further information unless specifically requested by the board: Provided, however, That any such license issued to a corporation shall

Expiration and
renewal of
licenses

Provide

**Time for
application
renewal**

expire thirty (30) days after any change in the officers of such corporation, unless the name and address of each such new officer of such corporation shall, within that period, be reported to the board by certificate, duly verified. Applications for renewals must be made not less than thirty (30) nor more than sixty (60) days before the first day of January of the ensuing year. All applications for renewal received otherwise shall be treated as original applications.

**Sale, use or
concealment of
withdrawn
alcohol before
being de-
natured****Recovery or
reuse of
alcohol**

Section 518. Unlawful Acts.—(a) It shall be unlawful for any person to transport any illegal alcohol, liquor or malt or brewed beverages.

(b) Whenever any person withdraws or removes any alcohol or liquor which has not been denatured from any distillery, denaturing plant, winery or bonded warehouse for the purpose of denaturing the same, it shall be unlawful for any such person to use, sell or conceal, or attempt to use, sell or conceal, or be concerned in the sale, use or concealment of, any such alcohol or liquor, unless before such sale or use the said alcohol or liquor shall be denatured by adding thereto denaturing material or materials or admixtures thereof which render it unfit for beverage purposes.

(c) It shall be unlawful for any person to recover and reuse or attempt to recover and reuse, by redistillation or by any other process or means whatsoever, any alcohol or liquor from denatured alcohol or from any other liquid, or to knowingly use, sell, conceal, or otherwise dispose of, alcohol or liquor so recovered or redistilled.

Violations**Misdemeanor
Penalty**

Section 519. Penalties.—Any person or persons who knowingly violate any of the provisions of this article, or any person who shall violate any of the conditions of any license issued under the provisions of this article, or who shall falsify any record or report required by this article to be kept, or who shall violate any rule or regulation of the board or who shall interfere with, hinder or obstruct any inspection authorized by this article, or prevent any member of the board or any person duly authorized and designated by the board from entering any place which such member of the board or such person is authorized by this article to enter for the purpose of making an inspection, or who shall violate any other provision of this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5000), or undergo imprisonment of not more than three (3) years, or both, at the discretion of the court.

ARTICLE VI.**PROPERTY ILLEGALLY POSSESSED OR USED; FORFEITURES;
NUISANCES.****(A) Forfeitures.****Forfeiture of
Property****Property
rights**

Section 601. (As amended by Act 499 of April 20, 1958, P. L. 1508) **Forfeiture of Property Illegally Possessed or Used.**—No property rights shall exist in any liquor, alcohol or malt or brewed beverage illegally manufactured or pro-

ed, or in any still, equipment, material, utensil, vehicle, vessel, animals or aircraft used in the illegal manufacture or illegal transportation of liquor, alcohol or malt brewed beverages, and the same shall be deemed contraband and proceedings for its forfeiture to the Commonwealth shall, at the discretion of the board, be instituted in the manner hereinafter provided. No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process.

Section 602. Forfeiture Proceedings.—(a) The proceedings for the forfeiture or condemnation of all property shall be in rem, in which the Commonwealth shall be the plaintiff and the property the defendant. A petition shall be filed in the court of quarter sessions, verified by oath or affirmation of any officer or citizen, containing the following: (1) a description of the property so seized; (2) a statement of the time and place where seized; (3) the owner, if known; (4) the person or persons in possession, if known; (5) an allegation that the same had been possessed or used or was intended for use in violation of this act; (6) and, a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth, unless cause be shown to the contrary.

(b) A copy of said petition shall be served personally on the owner if he can be found within the jurisdiction of the court, or upon the person or persons in possession at the time of the seizure thereof. Said copy shall have endorsed thereon notice as follows:

To the Claimant of Within Described Property: You are required to file an answer to this petition, setting forth your title in and right to possession of said property, within fifteen (15) days from the service hereof; and you are also notified that if you fail to file said answer, a decree of forfeiture and condemnation will be entered against said property.

Said notice shall be signed by petitioner or his attorney, the district attorney or the Attorney General.

(c) If the owner of said property is unknown or outside the jurisdiction of the court and there was no person in possession of said property when seized, or such person so in possession cannot be found within the jurisdiction of the court, notice of said petition shall be given by an advertisement in only one newspaper of general circulation published in the county where such property shall have been seized, for a week for two (2) successive weeks. No other advertisement of any sort shall be necessary, any other law to the contrary notwithstanding. Said notice shall contain a statement of the seizure of said property, with a description thereof, the place and date of seizure, and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice, which date shall not be less than ten (10) days from the date of the last publication.

(d) Upon the filing of any claim for said property, setting forth a right of possession thereof, the case shall be deemed to be in issue and a time be fixed for the hearing thereof.

Proceedings
in rem

Petition

Service on
owner

Unknown
owner

Burden on claimant

(e) (As amended by Act 499 of April 20, 1956, P. L. 1508) At the time of said hearing, if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used, the burden shall be upon the claimant to show (1) that he is the owner of said property, (2) that he lawfully acquired the same, and (3) that it was not unlawfully used or possessed.

In the event such claimant shall prove by competent evidence to the satisfaction of the court that said liquor, alcohol or malt or brewed beverage, or still, equipment, material or utensil, vehicle, boat, vessel, container, animal or aircraft was lawfully acquired, possessed and used, then the court may order the same returned or delivered to the claimant; but if it appears that said liquor, alcohol or malt or brewed beverage or still, equipment, material or utensil was unlawfully possessed or used, the court shall order the same destroyed, delivered to a hospital, or turned over to the board, as hereinafter provided, or if it appears that said vehicle, boat, vessel, container, animal or aircraft was unlawfully possessed or used, the court may, in its discretion, adjudge same forfeited and condemned as hereinafter provided.

Forfeiture upon petition

Section 603. (As amended by Act 499 of April 20, 1956, P. L. 1508) **Disposition of Forfeited Property.**—If, upon petition as hereinbefore provided and hearing before the court of quarter sessions, it appears that any liquor, alcohol or malt or brewed beverage or still, equipment, material or utensil was so illegally possessed, or used, such liquor, alcohol or malt or brewed beverage or still, equipment, material or utensil shall be adjudged forfeited and condemned, or if it appears that any vehicle, boat, vessel, container, animal or aircraft was so used in the illegal manufacture or transportation of liquor, alcohol or malt or brewed beverage, such property may, in the discretion of the court, be adjudged forfeited and condemned and in such case shall be disposed of as follows:

Disposition upon conviction

(a) Upon conviction of any person of a violation of any of the provisions of this act, the court shall order the sheriff to destroy all condemned liquor, alcohol or malt or brewed beverage and property seized or obtained from such defendants, except that the court may order the liquor, alcohol or malt or brewed beverages, or any part thereof, to be delivered to a hospital for its use, and make return to the court of compliance with said order, and any vehicle, container, boat, vessel, animals or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided.

Disposition upon acquittal

(b) In any case in which the defendant is acquitted of a violation of this act and denies the ownership or possession thereof, or no claimant appears for same, or appearing, unable to sustain claim thereof, the court shall order all condemned liquor, alcohol and malt or brewed beverages and property (except vehicles, boats, vessels, containers, animals and aircraft) publicly destroyed by the sheriff, except that the court may order the liquor, alcohol or malt or brewed

everages, or any part thereof, to be delivered to a hospital for its use. Return of compliance with said order shall be made by the sheriff to the court.

(c) In the case of any vehicle, boat, vessel, container, animal or aircraft seized under the provisions of this act and condemned, the court shall order the same to be delivered to the board for its use or for sale or disposition by the board, in its discretion. Notice of such sale shall be given in such manner as the board may prescribe. The proceeds of such sale shall be paid into the State Stores Fund.

Delivery to board

Section 604. Motor Vehicle Licenses To Be Revoked.

In addition to the foregoing provisions, the court may, in its order of condemnation, and in every conviction under this act where it shall appear that liquor, alcohol or malt or brewed beverages were unlawfully transported in a motor vehicle, declare that the license issued by the Department of Revenue for any motor vehicle so forfeited and condemned, or issued to any defendant convicted of transporting liquor, alcohol or malt or brewed beverages in any motor vehicle, shall be forfeited and revoked, and it shall be the duty of the clerk of the court in which such conviction is had and order of condemnation made to certify such conviction to the Secretary of Revenue, who shall suspend or revoke the license issued for such motor vehicles: Provided, That a license may be issued for such motor vehicle to the board or to any purchaser of the vehicle after the sale thereof, as above provided.

Motor Vehicle License

Section 605. Application of Subdivision.—The provisions of this subdivision shall apply to the disposition of any liquor, alcohol or malt or brewed beverage or property in the custody of the law or of any officer at the time of the passage of this act.

(B) Nuisances.

Section 611. Nuisances; Actions To Enjoin.—(a) Any room, house, building, boat, vehicle, structure or place, except private home, where liquor, alcohol or malt or brewed beverages are manufactured, possessed, sold, transported, offered for sale, bartered or furnished, or stored in bond, or stored for hire, in violation of this act, and all such liquors, beverages and property kept or used in maintaining the same, are hereby declared to be common nuisances, and any person who maintains such a common nuisance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the same penalties provided in section four hundred ninety-four of this act.

Nuisances

A misdemeanor

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General or by the district attorney of the proper county. Such action shall be brought and tried as an action in equity and may be brought in any court having

Action by Attorney General or District Attorney

In equity**Injunction
to abate
nuisance****Court order****Penalties**

jurisdiction to hear and determine equity cases within the county in which the offense occurs. If it is made to appear by affidavit or otherwise, to the satisfaction of the court that such nuisance exists, a temporary writ of injunction shall be forthwith issue, restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings. If a temporary injunction is prayed for, the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquids, beverages or other things used in connection with the violation of this act constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find that the property involved was being unlawfully used, as aforesaid, at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no liquor, alcohol or malt or brewed beverage shall be manufactured, sold, offered for sale, transported, bartered or furnished, or stored in bond, or stored for hire in any room, house, building, structure, boat, vehicle, or place, in any part thereof.

(c). Upon the decree of the court ordering such nuisance to be abated, the court may, upon proper cause shown, order that the room, house, building, structure, boat, vehicle or place shall not be occupied or used for one year thereafter, but the court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars (\$500.00), payable to the Commonwealth of Pennsylvania, for use of the county in which such proceedings are instituted, and conditioned that neither liquor, alcohol, nor malt or brewed beverages will thereafter be manufactured, sold, transported, offered for sale, bartered or furnished, or stored in bond, or stored for hire therein, thereon in violation of this act, and that he will pay all fines, costs and damages that may be assessed for any violation of this act upon said property.

ARTICLE VII.**DEALING IN DISTILLERY BONDED WAREHOUSE CERTIFICATES****(A) Preliminary Provisions.****Definitions****Agent**

Section 701. Definitions and Interpretation.—(a) Words used in this article, the following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

"Agent" shall mean and include every person employed by a distillery certificate broker to sell, offer for sale or delivery, to purchase, exchange, or to enter into agreement for the purchase, sale or exchange, or to solicit subscriptions, orders for, or to undertake to dispose of, or to deal in any manner in, distillery bonded warehouse certificates.

"Fraud," "fraudulent" and "fraudulent practice" shall include any misrepresentation in any manner of a relevant fact not made honestly and in good faith; any promise or representation or prediction as to the future not made honestly and in good faith, or an intentional failure to disclose a material fact; the gaining, directly or indirectly, through the purchase, sale or exchange of distillery bonded warehouse certificates, of any promotion fee or profit, selling or managing commission or profit, so gross and exorbitant as to be unconscionable and fraudulent; and any scheme, device, artifice or investment plan to obtain such an unconscionable profit: Provided, however, That nothing herein shall limit or diminish the full meaning of the terms "fraud" and "fraudulent" as applied or accepted in courts of law or equity.

**Fraud,
Fraudulent,
Fraudulent
Practice**

(b) Nothing contained in this article shall be construed as permitting the holder or owner of a distillery bonded warehouse certificate, as defined in this act, to secure possession of the whiskey or other potable distilled spirits named or designated in such certificate, except in accordance with the provisions of this act and the laws of this Commonwealth hereafter enacted relating to alcohol or alcoholic beverages and the regulations of the board adopted and promulgated thereunder.

Interpretation

(B) Permits.

Section 702. Unlawful to Act as a Distillery Certificate Broker or to Buy or Sell Distillery Bonded Warehouse Certificate Without a Permit.—It shall be unlawful for any person, except as hereinafter exempted, directly or through an agent, to sell, purchase, exchange, offer for sale, deliver, enter into agreements for the purchase, sale, exchange, solicit subscriptions to, orders for, undertake to dispose of, deal in any manner in, distillery bonded warehouse certificates, without first having obtained a permit to act as a distillery certificate broker as provided in this article.

Permit needed

Section 703. Authority to Issue Permits to Distillery Certificate Brokers.—Subject to the provisions of this article and regulations promulgated under this act, the board shall have authority to issue to any reputable financially responsible person whose plan of business in dealing in distillery bonded warehouse certificates is not deemed by the board to constitute "fraudulent practice," as defined herein, a permit to act as distillery certificate broker.

**Authority to
issue permits**

Section 704. (As amended by Act 702 of September 28, 1961, P. L. 1728) Application for Permit; Filing Fee.—Every applicant for a distillery certificate broker permit shall file a written application with the board outlining his plan of business in dealing in distillery bonded warehouse certificates, in such form and containing such other information as the board shall from time to time prescribe, which shall be accompanied by a filing fee of twenty dollars (\$20) and the prescribed permit fee. If the applicant is a natural person, his application must show that he is a citizen of the United

Application

Filing fee \$20

Citizen

Corporation

States, and if a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania. The application shall be signed and verified by oath or affirmation of the applicant, if a natural person or in the case of an association; by a member or partner thereof, or in the case of a corporation, by an executive officer thereof or any person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of his authority. If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of all the officers thereof. All applications must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application, the signer shall be guilty of a misdemeanor and upon indictment and conviction, shall be subject to penalties provided by this article.

**Affidavit
False
Statement****Permit
Issuance**

Section 705. Issuance of Permits.—Upon receipt of the application and proper fees and upon being satisfied of the truth of the statements in the application, and being also satisfied that the applicant's plan of business in dealing in distillery bonded warehouse certificates does not constitute a "fraudulent practice," as defined in this article, and that the applicant is a person of good repute and financially responsible, the board may issue to such applicant a permit authorizing the permittee to sell, purchase, exchange, pledge and deal in distillery bonded warehouse certificates.

**Applicant of
good repute
and financially
responsible****Office**

Section 706. Office or Place of Business to be Maintained.—Every applicant for a distillery certificate broker permit under this article and every person to whom such a permit is issued shall maintain an office or place of business within the Commonwealth.

Permit

Section 707. Permit Fee; Permits Not Assignable or Transferable; Display of Permit; Term of Permit.—Every applicant for distillery certificate broker permit shall before receiving such permit, pay to the board an annual permit fee of one hundred dollars (\$100). Permits issued under this act may not be assigned or transferred and shall be conspicuously displayed at the place of business of the permittee. All permits shall be valid only during the year for which issued and shall automatically expire on the thirty-first day of December of each calendar year unless suspended, revoked or cancelled prior thereto.

Fee \$100**Display****Expire
December 31****Records**

Section 708. Records to be Kept.—Every person holding a permit issued under this act shall keep daily permanent records containing a complete record of all transactions in distillery bonded warehouse certificates within this Commonwealth, in such form and manner as the board may from time to time prescribe. Such records shall be available for examination by the board's officers at the broker's principal place of business or office in Pennsylvania.

Examination

Section 709. Renewal of Permits.—Upon the filing of an application and the payment of the prescribed filing fee and permit fee in the same amount as herein required on original applications for permits, the board may renew the permit for the calendar year beginning January first, provided such application for renewal is filed and fee paid on or before December fifteenth of the preceding year, unless the board shall have given previous notice of objections to the renewal of the permit, based upon violation of this article or the board's regulations promulgated thereunder, or unless the applicant has by his own act become a person of ill repute or ceases to be financially responsible.

**Renewal
Fees**

**File before
December 15**

**Objection
to renewal**

Section 710. Permit Hearings; Appeals From Refusal of the Board to Issue or Renew Permits.—The board may of its own motion, and shall upon written request of any applicant for distillery certificate broker permit or for renewal thereof whose application for such permit or renewal has been refused, fix a time and place for hearings of such application for permit or for renewal thereof, notice of which hearing shall be sent by registered mail to the applicant at the address given in his application. Such hearing shall be before the board or a member thereof. At such hearing, the board shall present its reasons for its refusal or withholding a permit or renewal thereof. The applicant may appear in person or by counsel, cross-examine the witnesses of the board, and may present evidence which shall be subject to cross-examination by the board. Such hearings shall be stenographically recorded. The board shall thereupon grant or refuse the permit or renewal thereof. If the board shall refuse such permit or renewal following such hearing, notice in writing of such refusal shall be sent by registered mail to the applicant at the address given in his application. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order and furnish a copy thereof to the applicant. Any applicant who has appeared before the board at any hearing, as above provided, who is aggrieved by the refusal of the board to issue or to renew a distillery certificate broker permit, may appeal within twenty days from the date of refusal to the court of common pleas of Dauphin County.

**Hearings
Appeals**

Notice

**Notice of
refusal**

**Appeal within
20 days**

Section 711. Procedure of Appeal; Record to be Certified; Cost of Preparing Record; Appeal to Supreme Court.—Such appeal to the court of common pleas of Dauphin County shall be upon petition of the applicant against the board officially as defendant, alleging therein in brief detail the action and decision complained of and praying for a reversal thereof. Upon service of a summons upon the board, returnable within ten days from its date, the board shall, on or before the return day, file an answer in which shall allege by way of defense the grounds for its decision. It shall also, on or before the return day of such summons, certify to the court of common pleas of Dauphin County the record of the proceedings to which the petition refers.

**Appeal
Procedure**

Summons

**Record to be
certified**

Costs

Such record shall include the testimony taken therein, the findings of fact, if any, of the board based upon such testimony, a copy of all orders made by the board in the proceedings, and a copy of the action or decision of the board which the petition calls upon the court to reverse. The cost of preparing and certifying such record shall be paid to the board by the petitioner and taxed as part of the costs in the case, to be paid as directed by the court upon the final determination of the case.

Heard upon record

Upon the filing of the board's answer, the case before the court of common pleas of Dauphin County shall be at issue without further pleadings, and upon application of either party the case shall be advanced and heard without delay. Mere technical irregularities in the procedure of the board shall be disregarded.

Appeal to Supreme Court

The case shall be heard upon the record certified to the court by the board. Additional testimony shall not be taken before the court, but the court may, in proper cases, remit the record to the board for the taking of further testimony.

From the decision of the court of common pleas of Dauphin County, an appeal may be taken by either party to the Supreme Court of Pennsylvania as in other cases.

Revocation and Suspension**Section 712. Revocation and Suspension of Permit.**

Upon learning of any violation of this act or regulations of the board promulgated thereunder, or any violation of any laws of this Commonwealth or of the United States of America by the permittee, his officers, servants, agents or employees, or upon any other sufficient cause shown, the board may cite such permittee to appear before it or a member thereof not less than ten or more than fifteen days from the date of sending such permittee, by registered mail, a notice addressed to him at the address set forth in the application for permit, to show cause why such permit should not be suspended or revoked. When such notice is duly addressed and deposited in the post office, it shall be deemed due and sufficient notice. Hearings on such citations shall be held in the same manner as provided herein for hearing on application for permit. Upon such hearing, if satisfied that any such violation has occurred, or for other sufficient cause, the board shall immediately suspend or revoke the permit, notifying the permittee thereof by registered letter addressed to the address set forth in the application for permit. Any permittee whose permit is revoked shall be ineligible to have a permit under this act until the expiration of three years from the date such permit was revoked. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order. In the event the person whose permit was suspended or revoked by the board shall feel aggrieved by the action of the board, he shall have the right to appeal to the court of common pleas of Dauphin County in the same manner as herein provided for appeals from refusals to grant permits.

Citation notice**Hearing****Suspension or Revocation notice****Ineligible for 3 years****Appeal**

(C) Permittees' Registered Agents.

Section 721. Unlawful to Act as Agent or to Employ Agents Without Registration.—It shall be unlawful for a distillery certificate broker to employ any person to act as agent, or for any person to act as agent for any distillery certificate broker, in purchasing, exchanging, offering for sale, delivering, entering into agreements for the purchase, sale, exchange, soliciting subscriptions to, orders for, undertaking to dispose of, dealing in any manner in, distillery bonded warehouse certificates, without such person first having been registered as an agent as provided in this article.

Agents
Registration

Section 722. Registered Agents.—Every person holding a distillery certificate broker permit under this article who desires to employ an agent or agents in the operation of his business under the permit shall make application to the board for registration of such agent or agents. Every such permittee's application shall set forth the name of the permittee and the address of his main office or principal place of business in Pennsylvania, and the full address where complete records are maintained covering the permittee's operations in Pennsylvania. With each such permittee's application there shall be filed an agent's application for each agent to be registered. Permittees' applications for agents and agents' applications shall contain such information as the board shall from time to time require, and shall be signed and verified by oath or affirmation of the agent. Each application shall be accompanied by two unmounted photographs of the agent.

Application

Records

Section 723. Registration Fee.—Every application for the registration of agents filed by a permittee shall be accompanied by a registration fee in the amount of ten dollars (\$10.) for each agent to be registered, which shall cover the agent's registration from date of approval until December thirty-first of the year in which approved. Registrations may be renewed for a period of one calendar year upon the filing of a new application and payment of the same registration fee as herein provided for original registration, together with agent's new application and photographs of each agent. Applications for renewal of registration shall be filed not later than December fifteenth of each year.

Fee \$10

Expire
December 31

Renewal

Filing date

Section 724. Registration and Issuance of Identification Card.—Upon receipt of the application, the proper fees, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good reputation and the applicant seeks a registration as defined in this act, the board may register such agent and issue to him an identification card.

Issuance

Section 725. Hearings Upon Refusal of the Board; Appeals.—In the event that the board shall refuse to issue or to renew an agent's registration, a hearing shall be had and an appeal from the board's order may be taken to the same court and in the same manner as herein provided in the case of refusal of the board to issue or renew distillery certificate broker permits.

Hearings;
Appeals

**Revocation
and Suspension**

Section 726. Revocation and Suspension of Agent Registrations.—Upon learning of any violation of this act or regulation of the board promulgated thereunder, or a violation of any laws of this Commonwealth or of the United States of America by a registered agent, the board may revoke or suspend the agent's registration in the same manner as provided herein for the revocation and suspension of distillery certificate broker permits. In the event the agent whose license was suspended or revoked by the board shall be aggrieved by the action of the board, he shall have the right to appeal to the court of common pleas of Dauphin County in the same manner as herein provided for appeals in the case of suspension or revocation of distillery certificate broker permits.

Appeal**Identification
Card**

Section 727. Identification Cards.—Upon approval of the board of the application for registration of an agent there shall be issued to such registered agent an identification card containing the name and address of the distillery certificate broker, the name, address and physical description of the agent. There shall also be affixed to the identification card a photograph of the agent, and no identification card shall be valid until signed by both the distillery certificate broker and the agent and counter-signed by a representative of the board.

Signature**Change of
registration**

Before any agent's registration can be changed from one distillery certificate broker to another, the identification card of such agent shall either be returned to the board by the broker under whom he is registered, or such broker shall file with the board a notice in writing that he has knowledge of and consents to the employment of such agent by the other broker.

**Written
Notice****Termination
of employment**

When the employment of any agent is terminated, the broker shall immediately notify the board and the identification card issued to the agent shall be surrendered to the board.

(D) Exemptions.**Bank and
Trust Companies**

Section 731. Bank and Trust Companies and Other Persons.—Bank and trust companies and other persons duly authorized within this Commonwealth to engage in the business of lending money to licensed distillers, rectifiers, importers and distillery certificate brokers may, without a permit required under the provisions of this act, accept distillery bonded warehouse certificates as security or collateral for any loan made in the regular conduct of their business, and such banks and trust companies and other persons may liquidate such security or collateral by sale only to licensed distillers, rectifiers, importers or distillery certificate brokers.

**Distillers,
Rectifiers,
Importers**

Section 732. Distillers, Rectifiers and Importers.—Duly licensed distillers, rectifiers and importers may, without a permit required under the provisions of this act, deal in distillery bonded warehouse certificates, but only with other duly licensed distillers, rectifiers, importers and distillery certificate brokers.

Section 733. Certificates Owned Since July 24, 1939.—Persons other than licensed distillers, rectifiers, importers and distillery certificate brokers, holding distillery bonded warehouse certificates on and since the twenty-fourth day of July, one thousand nine hundred thirty-nine, may dispose of same without a permit required under the provisions of this act, but only to or through a distillery certificate broker holding a permit from the board.

**Owners of
Certificates**

(E) Administration and Enforcement.

Section 741. Duties of the Board.—It shall be the duty of the board to see that the provisions of this article are at all times properly administered and obeyed, and to take such measures and make such investigations as will detect the violations of any provisions thereof. In the event it shall discover any violation, it shall, in addition to revoking any permit or registration of an agent, take such measures as may be necessary to cause the apprehension and prosecution of all persons deemed guilty thereof.

**Administra-
tion**

Investigations

Prosecution

(F) Fines and Penalties.

Section 751. Penalties.—Any person who shall violate any of the provisions of this article, or who shall engage in any fraud or fraudulent practice, as defined herein, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay the costs of prosecution and a fine of not less than one thousand dollars (\$1000), nor more than five thousand dollars (\$5000); or undergo imprisonment of not less than one year, nor more than five years, or both, at the discretion of the court.

Penalties

**Misdemeanor
Fine \$1000-
\$5000**

**Imprison-
ment 1-5
years**

ARTICLE VIII.

**DISPOSITION OF MONEYS COLLECTED UNDER
PROVISIONS OF ACT.**

Section 801. Moneys Paid Into Liquor License Fund and Returned to Municipalities.—(a) The following fees collected by the board under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund":

**Disposition
of License
Fees**

- (1) License fees for hotel, restaurant and club liquor licenses.
- (2) License fees for retail dispensers' (malt and brewed beverages). licenses.

(b) The moneys in the Liquor License Fund shall, on the first days of February and August of each year, be paid by the board to the respective municipalities in which the respective licensed places are situated, in such amounts as rep-

**To munici-
pality in
certain cases**

resent the aggregate license fees collected from licenses in such municipalities during the preceding period.

Refunds

(c) The board shall have the power to appropriate money in the Liquor License Fund for the payment of claims for refunds allowed and approved by the board for moneys paid into the Liquor License Fund because of the over-payment or overcharge on license fees. In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities, the board shall have the authority to deduct from the next semi-annual payment to the respective municipalities the amount of any over-payment previously refunded by the board to any person on account of an overcharge or over-payment on a license fee.

State Stores Fund

Section 802. (As amended by Act 702 of September 21, 1961, P. L. 1728) **Moneys Paid Into The State Stores Fund for Use of the Commonwealth.**—All moneys, except fees to be paid into the Liquor License Fund as provided by the preceding section, collected, received or recovered under the provisions of this act for license fees, permit fees, filing fees and registration fees, from forfeitures, sales of forfeited property, compromise penalties and sales of liquor and alcohol at the Pennsylvania Liquor Stores, shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as "The State Stores Fund."

Enforcement Officers' Retirement Account

One-half of all application, filing and transfer fees shall be credited to a special account designated as the Enforcement Officers' Retirement Account. The moneys credited to this account shall be paid, annually, by the board to the State Employees' Retirement Board to be paid into the State Employees' Retirement Fund and credited to the Enforcement Officers' Benefit Account. All other moneys in such fund shall be available for the purposes for which they are appropriated by law.

Taxes

Section 803. Alcohol Tax Moneys Paid Into General Fund.—All taxes collected or received by the board on sale of taxable alcohol under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into the General Fund.

ARTICLE IX.

REPEALS.

Repeal

Section 901. Acts and Parts of Acts Repealed.—The following acts and parts of acts and all amendments thereto are hereby repealed to the extent hereinafter specified:

Act	Reference	Sections
1705, An act to restrain people from labor on the first day of the week.	1 Sm. L. 25	5
1705, An act for selling beer and ale by wine-measure.	1 Sm. L. 43	

<i>Act</i>	<i>Reference</i>	<i>Sections</i>
May 31, 1718	1 Sm. L. 104	
August 26, 1721	1 Sm. L. 126	
March 30, 1811	P. L. 145	20
March 14, 1814	P. L. 100	
March 8, 1815	P. L. 91	
March 13, 1815	P. L. 171	
March 27, 1821	P. L. 133	
April 2, 1821	P. L. 244	All in so far as it relates to wine or distilled liquors.
April 2, 1822	P. L. 226	
April 2, 1822	P. L. 286	1, 2, 3, 4
January 16, 1823	P. L. 10	
April 12, 1825	P. L. 247	1
April 7, 1830	P. L. 352	
February 15, 1832	P. L. 73	
March 11, 1834	P. L. 117	1-5 incl.; and 10-27 incl.
April 15, 1835	P. L. 384	123-140 incl.
June 13, 1836	P. L. 589	66
May 27, 1840	P. L. 548	22
March 29, 1841	P. L. 121	
March 25, 1842	P. L. 192	44
April 21, 1846	P. L. 431	4
April 10, 1849	P. L. 570	20, 21, 22, 23, 31, 32, 33
April 16, 1849	P. L. 657	
April 30, 1850	P. L. 634	5, 6, 8
April 14, 1851	P. L. 569	8
May 8, 1854	P. L. 663	1, 2, 3, 6, 7, 8
January 26, 1855	P. L. 53	
March 31, 1856	P. L. 200	1-25 incl. and 30, 32, 33, 34
April 20, 1858	P. L. 365	1-21 incl. and 23, 24
April 21, 1858	P. L. 393	
March 17, 1859	P. L. 167	2
April 14, 1859	P. L. 653	
March 29, 1860	P. L. 346	
April 15, 1863	P. L. 480	
March 22, 1867	P. L. 40	
April 29, 1867	P. L. 95	
April 8, 1873	P. L. 566	2, 4
April 12, 1875	P. L. 40	2-12 incl.
April 12, 1875	P. L. 48	1
June 2, 1881	P. L. 43	

<i>Act</i>	<i>Reference</i>	<i>Sections</i>
July 9, 1881	P. L. 162	
May 28, 1885	P. L. 27	4 in so far as it relates to premises which a hotel, taurant or club liquor license or a dispenser's license held.
May 24, 1887	P. L. 194	
June 2, 1891	P. L. 173	
June 9, 1891	P. L. 257	
June 20, 1893	P. L. 474	
May 25, 1897	P. L. 93	1
June 21, 1897	P. L. 176	
July 30, 1897	P. L. 464	
May 11, 1901	P. L. 162	1
June 19, 1901	P. L. 572	
April 22, 1903	P. L. 257	
April 22, 1903	P. L. 259	1
April 23, 1903	P. L. 265	
April 27, 1903	P. L. 317	
March 29, 1907	P. L. 38	
April 27, 1907	P. L. 122	
May 29, 1907	P. L. 307	
April 22, 1909	P. L. 136	
April 2, 1913	P. L. 32	
May 14, 1913	P. L. 203	
June 12, 1913	P. L. 490	
July 22, 1913	P. L. 914	1 in so far as it exempts—any person or corporation owning or operating a distillery from the necessity of obtaining a license under the provisions of this act to operate a distillery.
July 17, 1917	P. L. 1020	
July 18, 1917	P. L. 1071	
February 26, 1919	P. L. 9	
May 8, 1919	P. L. 167	
June 26, 1919	P. L. 673	
July 21, 1919	P. L. 1069	
May 17, 1921	P. L. 869	42 in so far as it relates to liquor or malt brewed beverage.

<i>Act</i>	<i>Reference</i>	<i>Sections</i>
February 19, 1926	P. L. 16	
May 3, 1933	P. L. 252	
November 29, 1933	P. L. 13 (1933-34)	
November 29, 1933	P. L. 15 (1933-34)	
December 8, 1933	P. L. 57 (1933-34)	
December 20, 1933	P. L. 75 (1933-34)	
July 18, 1935	P. L. 1217	
July 18, 1935	P. L. 1246	
July 18, 1935	P. L. 1283	
June 16, 1937	P. L. 1762	
June 16, 1937	P. L. 1811	
June 16, 1937	P. L. 1827	
June 25, 1937	P. L. 2073	
June 26, 1939	P. L. 764	
June 24, 1939	P. L. 802	
June 24, 1939	P. L. 804	
June 24, 1939	P. L. 806	

Except in so far as the provisions of section one, as amended, shall apply to hotel licenses granted prior to the first day of September, one thousand nine hundred forty-nine, or granted on any application made and pending prior to said date, or to any renewal or transfer of such license, or to hotels under construction or for which a bona fide contract had been entered into for construction prior to said date.

July 18, 1941	P. L. 408
July 24, 1941	P. L. 480
July 24, 1941	P. L. 483
April 16, 1943	P. L. 60
May 21, 1943	P. L. 332
May 21, 1943	P. L. 374

Act	Reference	Sections
May 31, 1943	P. L. 401	
May 21, 1943	P. L. 403	
May 27, 1943	P. L. 688	
May 27, 1943	P. L. 694	
May 23, 1947	P. L. 287	
April 14, 1949	P. L. 481	
April 28, 1949	P. L. 764	
April 28, 1949	P. L. 769	
May 2, 1949	P. L. 896	
May 9, 1949	P. L. 964	

All except in so far as it shall apply to licenses, granted prior to September first, one thousand nine hundred and nine, or granted any application and pending prior said date, or to renewal or transfer of such licenses to hotels under construction or in which a bona fide contract had been entered into for construction prior said date.

May 20, 1949	P. L. 1482
May 20, 1949	P. L. 1546
May 20, 1949	P. L. 1551

**Inconsistent
legislation
repealed**

Section 902. General Repeal Clause.—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

2. QUOTA LAW*

(Act 358 of June 24, 1939, P. L. 806)

AN ACT

Limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The word "hotel", as used in this act, shall mean any reputable place operated by a responsible person of good reputation, where the public may, for a consideration, obtain sleeping accommodations—

(a) In municipalities having a population of less than one thousand, shall have at least six permanent bedrooms for the use of guests;

(b) In municipalities having a population of one thousand and more but less than three thousand inhabitants, shall have at least ten permanent bedrooms for the use of guests;

(c) In municipalities having a population of three thousand and more but less than one hundred thousand inhabitants, shall have at least twelve permanent bedrooms for the use of guests; and

(d) In municipalities having a population of one hundred thousand and more inhabitants, shall have at least fifteen permanent bedrooms for the use of guests. All such hotels shall have a public dining room or rooms, operated by the same management, accommodating at least thirty persons at one time, and a kitchen apart from the dining room or rooms in which food is regularly prepared for the public.

The word "person" shall mean every natural person, association or corporation.

The word "municipality" shall mean any city, borough, incorporated town, or township.

Section 2. No licenses shall hereafter be granted by the Pennsylvania Liquor Control Board for the retail sale of malt or brewed beverages, or the retail sale of liquor and malt or brewed beverages, in excess of one of such licenses, of any class, for each one thousand inhabitants or fraction thereof, in any municipality, exclusive of licenses granted to hotels, as defined in this act, and clubs; but at least one such license

* This Act was repealed by the Act of April 12, 1951, P. L. 90, the Liquor Code, "except insofar as the provisions of section one, as amended, shall apply to hotel licenses granted prior to the first day of September, one thousand nine hundred forty-nine, or granted on any application made and pending prior to said date, or to any renewal or transfer of such licenses, or to hotels under construction or for which a bona fide contract had been entered into for construction prior to said date."

may be granted in each municipality, except in municipalities where the electors have voted against the granting of retail licenses. Nothing contained in this section shall be construed as denying the right to the Pennsylvania Liquor Control Board to renew or to transfer existing retail licenses of any class, notwithstanding that the number of such licenses in a municipality shall exceed the limitation herebefore prescribed; but where such number exceeds the limitation prescribed by this act, no new license, except for hotels as defined in this act, shall be granted so long as said limitation is exceeded.

Section 3. The Pennsylvania Liquor Control Board shall have the power to increase the number of licenses in a such municipality which, in the opinion of the board, is located within a resort area.

Section 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Section 5. This act shall become effective immediately upon final enactment.

3. REGULATIONS OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

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REGULATION 100 LICENSE DISTRICTS*(Effective June 26, 1952)*

Section 100.01. **Assignment of Counties to Districts.**—Under and pursuant to Section 402 of the Liquor Code, the Pennsylvania Liquor Control Board by this regulation divides the State into four license districts, as follows:

COUNTIES IN DISTRICT NO. 1*Expiration Date: October 31*

Bucks	Delaware	Philadelphia
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COUNTIES IN DISTRICT NO. 2*Expiration Date: January 31*

Adams	Dauphin	Montgomery
Bedford	Franklin	Northampton
Berks	Fulton	Northumberland
Blair	Huntingdon	Perry
Cambria	Juniata	Schuylkill
Centre	Lancaster	Snyder
Chester	Lebanon	Somerset
Clearfield	Lehigh	Union
Cumberland	Mifflin	York

COUNTIES IN DISTRICT NO. 3*Expiration Date: April 30*

Allegheny	Butler	Indiana
Armstrong	Fayette	Lawrence
Beaver	Greene	Washington
		Westmoreland

COUNTIES IN DISTRICT NO. 4*Expiration Date: July 31*

Bradford	Forest	Pike
Cameron	Jefferson	Potter
Carbon	Lackawanna	Sullivan
Clarion	Luzerne	Susquehanna
Clinton	Lycoming	Tioga
Columbia	McKean	Venango
Crawford	Mercer	Warren
Elk	Monroe	Wayne
Erie	Montour	Wyoming

Section 100.02. Licenses Affected.—Licenses subject to and affected by this Regulation are Hotel, Restaurant and Club Liquor Licenses, Eatery License, Place, Hotel and Club Retail Dispenser Licenses and Distributor and Importing Distributor of Malt or Brewed Beverage Licenses.

Section 100.03. Dates for Filing Applications.—

A. Applications for Renewal

Applications for renewal of licenses shall be filed not less than thirty days prior to the expiration date provided herein for each of the respective districts:

<i>District</i>	<i>File Prior to</i>	<i>Effective Date</i>
No. 1	September 2	November 1
No. 2	December 2	February 1
No. 3	March 2	May 1
No. 4	June 2	August 1

B. Applications for New Licenses

Applications for new licenses subject to and affected by this Regulation shall be considered by the board only twice each license year and all such applications shall be filed with the board thirty days before they are to become effective.

All new licenses shall become effective either at the beginning of each license year in the respective districts, or six months later, depending upon the date the application is filed. The following schedule of the dates when new applications shall be filed, together with the date when the license shall become effective:

<i>District</i>	<i>File Prior to</i>	<i>Effective Date</i>
No. 1	October 2 April 1	November 1 May 1
No. 2	January 2 July 2	February 1 August 1
No. 3	April 1 October 2	May 1 November 1
No. 4	July 2 January 2	August 1 February 1

NOTE: The time for filing applications for exchange of Distributor License, Importing Distributor Licenses is found in Section 115.14 of the Board's Regulations.

Section 100.04. Fees.—Applications for new and renewal licenses subject to and affected by this Regulation must be accompanied, at the time of filing, by separate remittances covering the required filing fee, license fee, and amusement permit fee or vehicle identification card(s) fee.

REGULATION 101. MEASUREMENT OF DISTANCES FROM PREMISES

(Effective March 3, 1960)

Section 101.01. Statutory Provision.—Section 404 of the Liquor Code pertaining to the issuance of Hotel, Restaurant and Club Liquor Licenses, provides, inter alia, as follows:

"... Provided, however, That in the case of any new license or the transfer of any license to a new location the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises licensed by the board, or if such new license or transfer is applied for a place where the principal business is the sale of liquid fuels and oil. And provided further that the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed."

Section 432 (d) of the Liquor Code pertaining to the issuance of Retail Spenders' Licenses provides, inter alia, as follows:

"The board shall, in its discretion, grant or refuse any new license or the transfer of any license to a new location if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place where the principal business conducted is the sale of liquid fuels and oil."

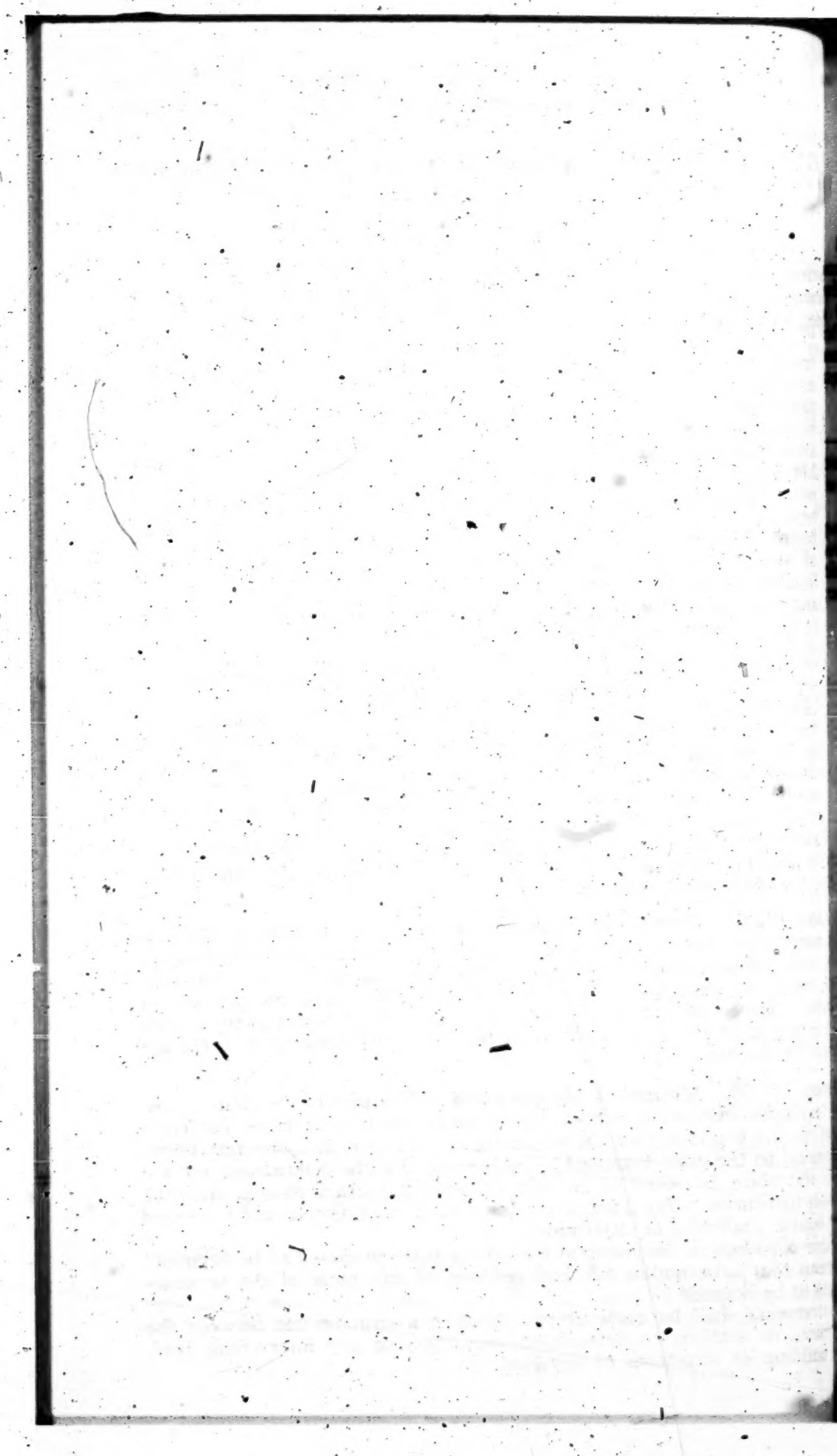
The aforesaid provisions do not establish any method to be used in measuring the distances therein set forth. Therefore, the board adopts the following rule for such measurements.

Section 101.02. Points for Measurement.—For the purpose of establishing a fixed point for measurement, "church, hospital, charitable institution, school, and public playground" shall be the building and/or the adjoining land used in connection therewith and "any other premises licensed by the board" shall be the portion of such premises covered by the current license. "Place proposed to be licensed" shall be the rooms designated in the application for license.

Section 101.03. Method of Measurement.—The part of the church, hospital, charitable institution, school, public playground or premises currently licensed by the board and/or the adjoining ground used in connection therewith nearest to the place proposed to be licensed shall be determined, and the point of the place proposed to be licensed nearest to said church, hospital, charitable institution, school, public playground, or premises currently licensed by the board, shall also be determined.

"Within a radius of five hundred feet of the place proposed to be licensed" shall mean that area within five hundred feet of any point of the premises proposed to be licensed.

Measurements shall be made or calculated in a straight line between the points or stations so determined, regardless of any intervening land, water, building or structures of any kind.



REGULATION 102 HEARINGS

(Effective June 28, 1952)

Section 102.01. Hearings on Applications.—In all cases where the board has refused an application for a license, renewal or transfer thereof, without hearing, it will, as provided in Section 464 of the Liquor Code, fix the time and place for hearing on such applications, upon the written request of the applicant, provided such request for hearing is filed with the board no later than twenty (20) days after notice of the board's refusal of the application is mailed to the applicant at the address given in the application.

Section 102.02. Continuance of Hearings—Applications and Citations. Except as hereinafter provided, no continuance of any board hearing will be granted unless a request for such continuance is received by the board in Harrisburg at least forty-eight hours prior to the time fixed for hearing. Requests for continuance received by the board within the forty-eight hour period will not be granted unless satisfactory arrangement, in writing, is made with the board for the payment of all expenses resulting from such continuance. However, the board may waive the payment of such expenses in cases of extenuating circumstances.

REGULATION 103 CONNECTION OF RETAIL LICENSED ESTABLISHMENT WITH RESIDENCE OR OTHER BUSINESS

(Effective June 26, 1952)

Section 103.01. Issuance of Restaurant Liquor License.—No licensed establishment may have an inside passage or communication to or with any residence other than the licensee's residence.

No licensed establishment may have an inside passage or communication to or with any other business conducted by the licensee or other persons except as approved by the board.

Section 103.02. Issuance of Retail Dispenser Eating Place License.—No licensed establishment may have an inside passage or communication to or with any residence other than the licensee's residence.

No licensed establishment may have an inside passage or communication to or with any business conducted by other persons.

The board will not issue a license to a person for an eating place (as defined in the Liquor Code) operated in conjunction with other business, unless such eating place has a total area of not less than three hundred square feet in one or more rooms other than living quarters, in addition to the floor space used by such person in the operation of the other business conducted in conjunction with the eating place.

Section 103.03. Sales by Eating Place Licensees Restricted.—No malt or brewed beverages shall be stored or sold for consumption on or off the premises in any room or rooms used for the sale of merchandise in the other business operated in conjunction with a licensed eating place. All storage and sales of malt or brewed beverages shall be confined strictly to the premises covered by the eating place license.

Section 103.04. Division Line Between Eating Place and Other Business to be Clearly Indicated.—In all cases where a Retail Dispenser Eating Place License has been issued and the licensed establishment is conducted in conjunction with another business, the dividing line between the area or floor space used in the operation of the other business conducted in conjunction therewith, shall be clearly indicated by a permanent partition at least four feet in height.

**REGULATION 104 APPLICANTS FOR LICENSES WHO
OPERATED UNDER A COUNTY MALT LIQUOR
DISTRIBUTOR LICENSE SUBSEQUENT TO
JULY 18, 1935**

(Effective June 26, 1952)

Section 104.01. Statutory Provisions.—The Pennsylvania Liquor Control Board, under the provisions of the Beverage License Law of July 18, 1935, was empowered to issue Distributor and Importing Distributor licenses, and it was unlawful to engage in the business of distributing malt or brewed beverages without a license from the board.

The fees fixed by the Act for such licenses were to be adjusted as therein provided.

Many persons licensed as distributors by the respective county treasurers failed, upon the approval of that Act, to obtain the new licenses therein required.

Section 104.02. Payment of Delinquent Filing and License Fees.—Such persons hereafter applying to the board for any type of license or permit shall first file an application on a form to be furnished by the board for permission to pay, and shall pay to the board, the filing and license fees required by that Act to be paid by those engaged in the sale of malt or brewed beverages either as a distributor or an importing distributor, and in accordance with the provisions of that Act.

The holder of a county treasurer distributor license who continued to operate under such license subsequent to the expiration date for licenses fixed by the board for the licensing district in which the licensed place of business is located, shall, if such expiration date was prior to May 31, 1936, which was the expiration date of county distributor licenses, pay for the intervening period between such expiration date and May 31, 1936, a license fee at the rate of \$33.33 per month or fraction thereof, if engaged in business as a distributor; and at the rate of \$75.00 per month or fraction thereof, if engaged as an importing distributor. These fees shall be in addition to the fees hereinbefore enumerated.

REGULATION 105 WHOLESALE LIQUOR PURCHASE PERMIT CARDS

(Effective June 26, 1952; as amended July 31, 1963)

Section 105.01. Definitions.—The following words shall have the meanings ascribed to them in this section:

- A. "Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth.
- B. "Retail Liquor Licensee" shall mean any person, partnership, association, or corporation holding a hotel, restaurant, club, or public service liquor license issued by this board.
- C. "Permit Holder" shall mean any retail liquor licensee, registered pharmacist, hospital, State-owned institution, manufacturing pharmacist or chemist, manufacturer of products for nonbeverage purposes, or other person to whom a Wholesale Liquor Purchase Permit has been issued by the board.
- D. "Authorized Agent" shall mean an individual whose signature appears on the reverse side of a Wholesale Liquor Purchase Permit Card, provided such individual is regularly employed in the business or establishment of a Permit Holder.

Other words and phrases used in this regulation shall have the meanings ascribed to them in the Liquor Code, and if not defined therein shall have their usual and customary meanings.

Section 105.02. (As amended July 31, 1963) Issuance of Wholesale Liquor Purchase Permit Card.—As evidence of the privilege given by the Liquor Code to retail liquor licensees to purchase liquor from State Liquor Stores at wholesale, the board will issue to such licensees a Wholesale Liquor Purchase Permit Card, which shall allow the purchase, at wholesale, of liquors, provided the retail cost of the order is not less than \$15.00.

Special forms of Wholesale Liquor Purchase Permit Cards issued, in accordance with board regulations, to pharmacists registered under the laws of this Commonwealth, to hospitals, State-owned institutions, and to certain manufacturers of nonbeverage products, shall allow the purchase, at wholesale, of liquors listed thereon.

Section 105.03. Signature of Permit Holder.—The signature of the Permit Holder must appear on the Wholesale Liquor Purchase Permit Card, in ink, in the space provided for "Licensee." Such signature shall conform to the following provisions:

- A. If the Permit Holder is a corporation or association the signature shall be that of the President, Vice-President, Secretary, or Treasurer, and his title.
When a change of officers is made by a corporation or association the signature of the Permit Holder may be changed on the Wholesale Purchase Permit Card provided the proper Notice of Change of Officers has been filed with the board in accordance with Regulation 114.
- B. If the Permit Holder is a partnership, the signature shall be that of one or more partners.

C. If the Permit Holder is an individual, such individual's signature shall be given.

Section 105.04. Authorized Agents.—A Permit Holder may authorize not exceeding two agents to make purchases for him at State Liquor Store for use in his business or establishment. Only individuals regularly employed in the business or establishment of a Permit Holder may be designated as agents. The signature of such agents shall appear on the Wholesale Liquor Purchase Permit Card, in ink, in the space provided for "Authorized Agents."

A Permit Holder may appoint an authorized agent in place of either of the two whose signatures originally appeared on the Wholesale Liquor Purchase Permit Card by crossing out the name of the deposed agent, in ink, and having the third party properly sign the card. No additional agent may be appointed in this manner, and at no time is a Permit Holder allowed more than two agents.

Section 105.05. Further Changes in Authorized Agents.—If a Permit Holder desires to make more than one change in his Authorized Agents personnel, he shall obtain a duplicate Wholesale Liquor Purchase Permit Card by depositing his old card at a State Liquor Store and obtaining therefrom an "Application for Duplicate License or Permit," PLCB-5, the application section of which shall be completed by the Permit Holder and returned, with a fee of one dollar, to the store. The employee of the State Liquor Store who receives the application, will complete the receipt section thereof and deliver same to the Permit Holder. The manager of the State Liquor Store shall forward such application to the Bureau of Licensing of the board at Harrisburg, and a new card will be forwarded to the store. During the time required for this transaction, purchases at wholesale may be made by the Permit Holder or his authorized agent, at the store where the old card is on deposit. Upon receipt of the new card, the store manager shall immediately notify the Permit Holder. The old card shall then become void and be forwarded to the Bureau of Licensing by the store manager. The manager shall deliver the new Wholesale Liquor Purchase Permit Card to the Permit Holder when he visits the store and request delivery of same. The new card shall not be valid until properly signed in accordance with this regulation.

Section 105.06. Replacement of Wholesale Liquor Purchase Permit Cards.—Wholesale Liquor Purchase Permit Cards should be guarded from loss or destruction, and from unauthorized or illegal use.

If, however, a Permit Holder should mutilate his card, he may obtain a new card by proceeding in the same manner as when he desires to change his authorized agent as hereinbefore provided.

If a Permit Holder should lose his card, he shall obtain an application form for a duplicate card from a State Liquor Store. This form, when filled out, shall be returned to the store with a fee of one dollar and a letter explaining the loss of the original card. The store manager shall forward such application, fee, and letter in the same manner as hereinbefore provided. A duplicate card will then be issued as provided. During the time required for this transaction no purchases at wholesale may be made by the Permit Holder.

Section 105.07. Use of Wholesale Liquor Purchase Permit Card.—This card, when presented by the Permit Holder or his authorized agent at a State Liquor Store, will permit the purchase of liquors at the wholesale prices established by the board.

The board may suspend or revoke the license and/or permit of any Permit Holder who allows his Wholesale Liquor Purchase Permit Card to be used for the purchase of liquors for any use other than in the lawful conduct of his business or establishment. The board may also require any Permit Holder to refund to the board any discount granted in the purchase of liquors, if such liquors are used in violation of any laws of this Commonwealth or of any of the regulations of the board.

The Permit Holder, or his authorized agent, must present the Wholesale Liquor Purchase Permit Card each time a purchase is made at wholesale.

Section 105.08. Deposit of Wholesale Liquor Purchase Permit Cards.

—Whenever the board deems such action necessary, it may require all retail liquor licensees to deposit their Wholesale Liquor Purchase Permit Cards with one Pennsylvania Liquor Store of their own selection, unless otherwise designated by the board.

The said Wholesale Liquor Purchase Permit Cards shall remain on file in such store until the board grants permission for the transfer of the Permit Card to another store, or until the board decides that all Wholesale Liquor Purchase Permit Cards shall be released to the respective licensees.

All requests by licensees for transfer of Wholesale Liquor Permit Cards shall be directed to the Manager of the State Liquor Store where the card is on file, stating the reasons for the transfer and shall be subject to board approval.

Section 105.09. Temporary Release of Wholesale Liquor Purchase Permit Cards.

—The Director of State Stores, the Division Superintendent, and/or the District Supervisor may permit the temporary release of the Wholesale Liquor Purchase Permit Card for purchase at another store or stores of merchandise not available or restricted in quantity at the store where his card is on file. The Wholesale Liquor Purchase Permit Card must be returned promptly to the original store.

REGULATION 106 TRANSPORTATION OF ALCOHOL, LIQUOR AND MALT OR BREWED BEVERAGES: LICENSES AND VEHICLE IDENTIFICATION REQUIRED

(Effective June 26, 1952; as amended March 1, 1954, April 1, 1962,
June 6, 1962, November 4, 1963, and August 29, 1966)

Section 106.01. Definitions.—The following words, unless the context clearly indicates otherwise, shall have the meanings hereinafter ascribed to them:

- A. "Vehicles" shall mean all trucks, buses, cars, wagons, scooters, motorcycles, aircraft, water craft, or any other means of transportation.
- B. "Transporter-for-Hire license, Class A" shall mean a license authorizing its holder to engage in commercial transportation of alcohol, liquor or malt or brewed beverages to or from points located in the Commonwealth of Pennsylvania.
- C. "Transporter-for-Hire license, Class B" shall mean a license authorizing its holder to engage in commercial transportation of malt or brewed beverages only, to or from points located in the Commonwealth of Pennsylvania.

Section 106.02. Transportation for Hire.—Except as exempted herein, any person who transports for hire within this Commonwealth alcohol, liquor or malt or brewed beverages must obtain either a Transporter-for-Hire License, Class "A," or a Transporter-for-Hire License, Class "B," from the Pennsylvania Liquor Control Board:

Alcohol, liquor or malt or brewed beverages may be transported for hire without a Transporter-for-Hire License under the following conditions:

- A. When such alcohol is denatured as specified by the Liquor Code.
- B. When such transportation is accomplished by scheduled common carriers by air of mail and passengers, or by common carriers by railroad subject to regulation by the Public Utility Commission of the Commonwealth of Pennsylvania; or transporters-for-hire who transport alcohol, liquor or malt or brewed beverages under contract with and as agents of common carriers by railroad, under railroad tariffs, railroad bills of lading, railroad regulations, and railroad responsibility and direction, provided the main transportation of such alcohol, liquor or malt or brewed beverages is by rail and such agents perform only a collection and delivery service as part of the rail transportation, and provided further that certified copies of such agents' contracts with common carriers by railroad are filed with the board.
- C. When such alcohol, liquor or malt or brewed beverages are for the personal use of the transporter and are not to be resold.
- D. By licensees of this board whose licenses or permits authorize the transportation of alcohol, liquor or malt or brewed beverages in the regular operation of their licensed business; provided, however, that such licensees have secured Vehicle Identification Cards in accordance with this regulation.
- E. By persons who transport alcohol, liquor or malt or brewed beverages commercially under I. C. C. authority, through Pennsylvania and not

for delivery therein, provided the operator of the vehicle or conveyance has in his possession at all times, while in this Commonwealth, an invoice, bill of lading, or waybill showing the brand name, size and number of containers of alcohol, liquor or malt or brewed beverages transported, which shall be produced for inspection upon request of any duly authorized police or enforcement officer of this Commonwealth, and provided also that the cargo remains intact and upon the same vehicle or conveyance while in this Commonwealth unless prevented by accident or other uncontrollable circumstances.

Section 106.03. *(As amended April 1, 1962 and August 29, 1966)*
Monthly Reports.—All Transporters-for-Hire shall, on or before the 15th day of each and every month, file with the Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania, monthly reports covering the operation of their licensed business for the preceding month. Such reports shall be on Form RCB-25, and may be a copy of the report on such form, forwarded to the Bureau of Cigarette and Beverage Taxes, Department of Revenue, Harrisburg, Pennsylvania. A copy of each report shall be retained by the licensee for a period of two years.

Section 106.04. Identification of Vehicles.—All persons transporting alcohol, liquor or malt or brewed beverages under the authority of a license or permit issued by this board, except as provided in Section 106.09 hereof, shall have painted or affixed on each side of the vehicle or vehicles used by them in the operation of their business, their name, address (including street name and number as shown on the license or permit), and the Pennsylvania Liquor Control Board License Number in letters no smaller than four inches in height. The Pennsylvania Liquor Control Board License Number must be preceded by the letters P.L.C.B.

Section 106.05. *(As amended March 1, 1954)*
Vehicle Identification Cards Required.—Except as hereinafter provided, every licensee and permittee who desires to transport alcohol, liquor or malt or brewed beverages shall obtain a vehicle identification card from the board for each vehicle used. No vehicle identification card shall be required by a retail licensee, or by an authorized agent named on his Wholesale Purchase Permit Card, for the transportation of liquor purchased at a Pennsylvania Liquor Store, for use in the licensed business; nor the transportation of alcohol purchased at a State Store by an Alcohol Permittee; nor the transportation of liquor purchased at a State Store by the holders of Pharmacy Permits, Hospital Pharmacy Permits or Chemists and Manufacturing Pharmacists Permits.

Section 106.06. *(As amended March 1, 1954, June 6, 1962, and November 4, 1963)*
Applications, Fees, Conditions.—An application for a Transporter-for-Hire License, Class "A" shall be filed with the board on form prescribed and furnished by the board and shall be accompanied by a filing fee of \$20.00, license fee of \$100.00 and an approved corporate surety bond in the amount of \$3,000.00. The license shall be issued for the calendar year and the \$100.00 license fee shall be prorated quarterly. (This is in accordance with provisions of Section 508 of the Liquor Code.)

An application for a Transporter-for-Hire License, Class "B," shall be accompanied by a filing fee of \$20.00, license fee of \$50.00 and an approved corporate surety bond in the penal sum of \$2,000.00. Such licenses shall be issued for the calendar year.

Application for vehicle identification cards shall be made on forms prescribed and furnished by the Pennsylvania Liquor Control Board and filed with the board at the time of filing the original or renewal applications for licenses or permits of the various kinds required by law, and when additional vehicles are intended to be used in connection with the respective license or permit.

A charge of \$2.00 will be made for each vehicle identification card.

Vehicle identification cards shall be issued only for commercial vehicles which are properly lettered in accordance with Section 106.04 herein, and which are either owned by the licensee or permittee, or possessed under lease or agreement which contains the following conditions:

- A. That the vehicle is in possession of and under exclusive control of the licensee.
- B. That the vehicle is operated by the licensee or by a paid employe of the licensee.
- C. That the licensee shall pay all expenses incurred in the operation of the hired vehicle, including gas, oil, repairs, etc.
- D. That the vehicle is lettered in accordance with Section 106.04 of this Regulation.

Vehicle identification cards shall be carried with all vehicles for which the respective cards have been issued.

If any vehicle identification card becomes marred, defaced, damaged, or lost, application for a new card must be made immediately. Application, accompanied by a fee of \$2.00, shall be filed with the board.

Section 106.07. Use of Vehicles.—No licensee, engaged in the purchase or sale of alcohol, liquor or malt or brewed beverages, shall use or permit to be used any vehicle bearing his or its vehicle identification card for the transportation of any alcohol, liquor or malt or brewed beverages, other than that used by the licensee in the operation of his or its licensed business. However, holders of Transporter-for-Hire licenses may, subject to the limitations of their respective licenses, transport for any person, legal alcohol, liquor or malt or brewed beverages, in vehicles owned or possessed by such licensees or operated by them under lease or agreement and for which vehicle identification cards have been issued as herein provided:

All vehicles must be operated by the licensee or by paid employes thereof, and no licensee shall sell, lease or permit the use by another of any vehicle for which an identification card has been issued without first defacing the lettering on the vehicle as described in Section 106.04 herein, and removing the card and returning it to the board together with notice of such sale, lease or disposition of said vehicle.

Section 106.08. Expiration, Termination.—All vehicle identification cards shall expire on the date indicated thereon unless the license of the licensee has been previously revoked or terminated for cause by the board, which action shall automatically terminate the validity of the vehicle identification card issued to such licensee. In the event of suspension by the board of the licensee's license, the use of identification card shall also be suspended for like period.

Section 106.09. Temporary Use of Vehicles.—If at any time a licensee finds it necessary to use for a period of not more than 10 days, a commercial vehicle not registered with the board, he may upon application and the pay-

ment of a fee of one dollar (\$1.00), be issued a temporary vehicle identification card or other authorization for the non-registered vehicle. Such card or other authorization will set forth a description of the vehicle and the period of time it may be used, and such card when issued, must be surrendered to the board upon expiration of the period fixed therein. While the vehicle is in operation, there must be affixed to each side a temporary sign containing the name, address, and license number of the licensee, in letters no smaller than four inches in height.

REGULATION 107 MALT OR BREWED BEVERAGES: IMPORTATION AND DISTRIBUTION

(Effective June 26, 1952; as amended April 1, 1960, April 1, 1962,
January 3, 1963, July 30, 1965, November 30, 1965 and August 29, 1966)

Section 107.01. (As amended July 30, 1965) Importation Prohibited; Exceptions.—Except as hereinafter exempted, no person shall import into Pennsylvania for delivery or use therein, any malt or brewed beverages, unless such person holds a valid Importing Distributor License issued by the board under and pursuant to the provisions of the Liquor Code, but this section shall not be construed to prohibit the importation of malt or brewed beverages by a resident of Pennsylvania, for personal use only and not for sale, provided that such malt or brewed beverages are in original containers and that the tax thereon has been paid or provisions for the payment thereof have been made pursuant to the Pennsylvania Malt Beverage Tax Law, or by railroad and pullman companies in their dining, club and buffet cars, duly licensed in Pennsylvania. However, all importations of malt or brewed beverages shall be made in accordance with the law and this regulation.

All sales of malt or brewed beverages intended to be transported into Pennsylvania for delivery or use therein, shall be consummated outside of this Commonwealth and shall be paid for in full prior to or at the time of delivery to the consignee in Pennsylvania, who shall pay all transportation charges. All such beverages shall be also tax paid in accordance with the provisions of the Pennsylvania Malt Beverage Tax Law, and the transporter thereof shall be considered the agent of the consignee.

Section 107.02. (As amended July 30, 1965) Restrictions.—

- A. No licensee shall transport in the same vehicle at the same time malt or brewed beverages and coal.
- B. No licensee shall transport in the same vehicle at the same time both malt or brewed beverages and any commodity that is hawked or peddled by the licensee.

Section 107.03. Nature of Other Business to be Considered.—Pursuant to and in accordance with Section 492, subsection 12, of the Liquor Code, the board will in each case consider the nature of any other business engaged in by the Distributor or Importing Distributor in order to determine whether or not its approval or disapproval shall be placed thereon. However, no Distributor or Importing Distributor may engage in any business which involves hawking and peddling any merchandise.

Section 107.04. (As amended July 30, 1965) Stock of Malt or Brewed Beverages to be Segregated.—Every Distributor and Importing Distributor, engaged in any other business with the approval of the board, shall keep his entire stock of malt or brewed beverages completely segregated from all other merchandise handled by such Distributor or Importing Distributor.

Section 107.05. (As amended April 1, 1962, January 3, 1963, July 30, 1965, November 30, 1965 and August 29, 1966) Records to be Maintained.—Every Distributor and Importing Distributor shall maintain on the licensed premises, complete and truthful records in columnar form covering in full detail all transactions in malt or brewed beverages and other items.

A. Purchase Register

All purchases of malt or brewed beverages shall be entered in the purchase register and this register shall show the date of the purchase, the invoice number, the source of the purchase covering both cooperage and case goods. The cost of the beer shall be shown separately from any deposits paid on case goods and the refund obtained for the return of empty containers. The net cost of all invoices shall be shown and the register shall be totaled each day with the daily unit totals carried to the purchase column in the perpetual inventory record. The daily totals shall be accumulated into a monthly total.

A suggested form which meets minimal requirements is appended here.

B. Sales Register

All sales of malt or brewed beverages shall be entered in the sales register. The selling price of the beer shall be shown separately from any deposits charged on case goods and the credit allowed for the return of empty containers. The net selling price of all invoices shall be shown and the register shall be totaled each day with the daily unit totals carried to the sales column in the perpetual inventory record. The daily totals shall be accumulated into a monthly total. The sales register shall be maintained by one of the following methods:

(1) Information outlined above may be accumulated each day on a summary sheet and one posting each day made to the sales register. The summary sheet shall act as a face sheet and be permanently fastened to each group of sales invoices. Sales invoices together with their attached sheets shall be filed in order by date and be maintained for two years.

(2) Each sales invoice may be posted to the sales register showing the invoice number, value of the beer, deposits collected and refunded, the cost to the customer and the name and address of the recipient of the beer.

A suggested form which meets minimal requirements is appended here.

C. Perpetual Inventory Record

A perpetual inventory record shall be maintained for inventory control purposes of all stock of malt or brewed beverages. This record shall be separate according to container size, such as full barrels, half-barrels, cases of pints, quarts, cans, splits, etc. This record shall show the number of units of each size on hand at the beginning of each business day. It shall show the total units purchased as shown on the purchase register and the total units sold as shown on the sales register for each business day. The closing inventory of each size shall also be shown and reconciled with the physical inventory of stock on hand in the warehouse. The daily totals of the purchase and sales columns shall be totaled monthly. This record is the control of the stock on hand and shall be used in compiling figures for the monthly report.

A suggested form which meets minimal requirements is appended here.

D. Cash Receipts and Disbursements Book

A cash receipts and disbursements book shall be maintained showing the details of all monies received and daily details of all monies expended in the operation of the licensed business.

All receipts shall be entered in detail covering income from the sale of malt or brewed beverages, soft drinks, other merchandise, and monies received from loans and other miscellaneous sources.

All expenditures shall be entered in detail covering payments for malt or brewed beverages, soft drinks, other merchandise, salaries and wages, truck expenses, rent, heat, light, taxes, insurance and license fees, advertising, sales expense, repairs and maintenance of equipment and premises, interest, personal withdrawals and miscellaneous expenses.

The cash receipts and disbursements book shall be totaled monthly and reconciled with bank account and cash on hand at the close of business each month.

Suggested forms which meet minimal requirements are appended hereto.

E. Sales Invoices

Except as hereinafter provided, sales invoices shall be prepared at the licensed premises for each sale prior to delivery. Such sales invoices shall be printed or affixed with the name and address of the Distributor or Importing Distributor. Sales invoices shall show the name and address of the recipient of the merchandise, date of sale, number of units, size and type of package, brand name, selling price of the malt or brewed beverages, deposits charged and refunds allowed for containers, and the net cost to the customer. The deposits charged and refunded, and the Pennsylvania sales tax where applicable shall be shown as separate entries. Sales invoices may be changed in route but only to increase or decrease the customer's original order. The sale of other commodities shall not be included on any sales invoice covering the sale of malt beverages. One copy of each sales invoice shall be given to the recipient of the merchandise. Provided, however, the name and address of private individuals will not be required on sales invoices covering cash and carry sales made at the licensee's place of business, when such individual sales are for quantities of three (3) cases or less, each case containing bottles or cans of not more than thirty-two (32) fluid ounce capacity, or for quantities of three (3) containers or less of 128, 144 or 288 fluid ounce capacity, or any combination of such containers in the quantities specified. In lieu of preparing sales invoices for such cash and carry sales, these transactions may be entered on a counter sheet maintained in columnar form showing all the information required on sales invoices other than name and address of the purchaser. This counter sheet shall be totaled daily and the totals entered into the sales register.

F. Monthly Report

Every licensed Distributor and Importing Distributor of malt or brewed beverages shall file with the board, each month, reports on Forms RCB-50, RCB-51 and RCB-52 covering all operations in malt or brewed beverages. Such report shall be signed by the licensee or by his duly authorized agent and shall be filed with the board on or before the 15th day of the month immediately succeeding the month for which the reports are prepared. A copy of each report shall be retained on the licensed premises for a period of at least two years.

Section 107.06. (As amended July 30, 1965) Sales by Distributors and Importing Distributors.—No sales of malt or brewed beverages shall be made at any time in any warehouses except those in which the licensee's principal office or place of business is maintained. Delivery thereof shall be made only from the licensed premises of such Distributor or Importing Distributor.

Section 107.07. (As amended January 3, 1963, and July 30, 1965) Leaker Allowances.—Malt or brewed beverages contained in cooperage that become unfit for consumption due to a head leaker, bung leaker, stave leaker, loose stich, bushing leaker or spoilage, shall be handled as follows:

A tag shall be furnished by the manufacturer to the Importing Distributor and Distributors showing information covering the type of leaker or spoiled goods, the name of the retailer or distributor and the license number of the licensee making claim. The tag shall have a perforated portion which shall be retained by the claimant, showing the reason for the return of the leaker together with the claim number and date of claim. The top portion of the tag shall be fastened to the cooperage and returned to the manufacturer through the distributor from whom originally purchased. When the manufacturer has approved the claim, he shall issue a credit memorandum in triplicate. Three copies of this credit memorandum shall be signed by the retailer. The retailer will retain the triplicate copy. The duplicate copy shall be retained by the distributor and the original credit memorandum together with the stub of the tag, shall be returned to the manufacturer for his file. Credit replacement may then be made either in kind or in value. If credit is disallowed by the manufacturer, the retailer shall be so notified through the distributor, giving the reasons therefor. The manufacturer shall attach to his monthly report on Forms RCB-47, RCB-48, RCB-49, a statement showing all claims disallowed, indicating names, addresses and dates involved in such disallowance. Importing Distributors shall be governed by the same procedure concerning returns to out-of-state manufacturers.

Section 107.08. (As added April 1, 1960) Distributing Rights Granted by Manufacturers and Importing Distributors of Malt or Brewed Beverages.—All agreements, franchises, or statements of distribution rights granted by any manufacturer or by any Importing Distributor under and pursuant to the provisions of Act No. 471 of the General Assembly of Pennsylvania approved by the Governor on October 23, 1959, and effective immediately shall be in writing and a correct copy thereof shall be permanently maintained on the licensed premises of each party to each such agreement, franchise or statement of distribution rights. Said agreement, franchise, or statement of distribution rights shall be at all times open to inspection by any authorized representative of the Pennsylvania Liquor Control Board.

Section 107.09. (As added January 3, 1963) Severability.—The provisions of this regulation shall be deemed severable. Should any such section be deemed by judicial opinion or legislative enactment to be invalid, unconstitutional or in any manner contrary to the laws of this Commonwealth, such opinion or enactment shall invalidate only that particular section of this regulation and all other sections shall remain in full force and effect.

2494 RECEIPT BOOK

[illegible]

CASEM DISBURGEMENT'S BOOK

[illegible]

REGULATION 108 CASH DEPOSITS ON RETURNABLE ORIGINAL CONTAINERS OF MALT OR BREWED BEVERAGES

(Effective June 26, 1952)

Section 108.01. Deposits Required.—Section 493 (2) of the Liquor Code, requires that in all transactions affecting malt or brewed beverages to be resold or consumed within this Commonwealth, every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces (one gallon).

In conformity with this statutory provision, therefore, the board by this regulation fixes a minimum cash deposit for the various sized containers and bottles, as follows:

Section 108.02. Definition of Returnable Original Container.—Under this regulation, a returnable original container, for which the aforesaid minimum cash deposits shall be obtained and paid, is:

- A. Any re-usable container of a capacity of 128 ounces (1 gallon) or less as to which title was retained by the manufacturer, licensee or vendor who bottled, sold or resold malt or brewed beverages in such container; or
- B. Any re-usable container of a capacity of 128 ounces (1 gallon) or less as to which title was not retained by the manufacturer, licensee or vendor who bottled, sold or resold malt or brewed beverages in such container but which the manufacturer, licensee or vendor, or a direct or indirect associate, agent, representative, employee, agency, distributor, affiliate or subsidiary of such manufacturer, licensee or vendor will repurchase or agree to repurchase from any vendee or person who has acquired title to such re-usable containers.

Section 108.03. Deposits on Case Lots.—A minimum cash deposit for wooden, cardboard or other type cases will be as follows:

- A. 24 pints or smaller size bottles, seventy-five cents (75¢) per case, calculated on the basis of two cents (2¢) per bottle and twenty-seven cents (27¢) for the case.
- B. 12 quart size bottles, seventy-five cents (75¢) per case, calculated on the basis of four cents (4¢) per bottle and twenty-seven cents (27¢) for the case.
- C. 6 half gallon size bottles, seventy-five cents (75¢) per case, calculated on the basis of eight cents (8¢) per bottle and twenty-seven cents (27¢) for the case.
- D. 36 pint or smaller size bottles, one dollar (\$1.00) per case, calculated on the basis of two cents (2¢) per bottle and twenty-eight cents (28¢) for the case.

If any other size of case is developed for use, the minimum deposit required should be ascertained from the Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania.

Section 108.04. Deposits on Less Than Case Lots.—For individual bottles or other returnable original containers, the minimum cash deposit to be required by licensees when selling or reselling malt or brewed beverages is hereby fixed for the various sized containers, as follows:

A. Pint or smaller size bottles	\$0.02 per bottle
B. Quart size bottles	.04 per bottle
C. Half-gallon size bottles	.08 per bottle

Section 108.05. Refund of Deposits.—Every licensee shall refund said deposits upon return of the empty container in as good condition as when originally delivered, natural wear and tear excepted. Manufacturer, Importing Distributor and Distributor licensees shall accept empty containers only from the person to whom originally delivered and shall accept only those containers on which they collected a deposit; except, manufacturer licensees shall accept their containers, and refund the deposits thereon, from persons who originally received them from an Importing Distributor or Distributor who is no longer in business, and Importing Distributor and Distributor licensees who have taken over the business of another person shall accept containers of those brands they handle, and refund deposits thereon, although said containers were originally delivered by the former licensee.

REGULATION 109 EMPLOYMENT: MINORS, CRIMINALS, LICENSEES; APPOINTMENT OF MANAGERS

(Effective June 26, 1952; as amended April 17, 1964 and May 28, 1968)

Section 109.01. Statutory Provisions Relating to Minors.—Section 493, sub-section 13, of the Liquor Code, declares it to be unlawful for any hotel, restaurant or club liquor licensee or any retail dispenser licensee to employ any minor or to permit any minor to render any service whatever in or about the licensed premises except in accordance with board regulations.

In conformity with the aforesaid provision of the law, the board by this regulation provides for the employment of minors.

Section 109.02. (As amended April 17, 1964 and May 28, 1968) Employment of Minors by Retail Licensees. - Minors between the ages of eighteen and twenty-one years may be employed or permitted to render service in a retail liquor licensed hotel, restaurant or club, or in a retail dispenser licensed eating place, hotel or club; PROVIDED, such minors have no contact whatsoever with the actual ordering, service, handling or care of liquor or malt or brewed beverages, and PROVIDED, further, that minors between the ages of sixteen and eighteen years may be employed in a licensed hotel or restaurant or by the owner of a retail dispenser license in conjunction with the operation of a food service business on Sundays and on Election Day provided that no liquor or malt or brewed beverages are sold, dispensed, consumed or served in the licensed establishment during the hours when any such minor between the ages of sixteen and eighteen years is so employed.

Section 109.03. (As amended May 28, 1968) Employment of Minors by Licensees Other Than Retail. - Minors between the ages of eighteen and twenty-one years may be employed or permitted to render service by licensees other than retail in the operation of their licensed establishments, except as salesmen or in connection with the sale or delivery of liquor or malt or brewed beverages on or off the licensed premises, or as agents under the provisions of Regulation 119, or Regulation 129.

Section 109.03.1. (As added May 28, 1968) As provided in the Act of May 13, 1915, P.L. 286, as amended by Act No. 49 of April 25, 1968, P.L. , known as the "Child Labor Law," any minor of the age of seventeen years who is a high school graduate or who is declared to have attained his academic potential by the chief administrator of the school district wherein he resides shall be deemed to be a minor of the age of eighteen years for the purposes set forth in Sections 109.02 and 109.03 of this regulation.

Section 109.03.2. (As added May 28, 1968) It shall be the duty of and the burden of proof is on the employer to have in his possession on the the licensed premises and to produce on demand a certified copy of a diploma or certificate of graduation of the seventeen year old minor, or a letter on the official stationery of the school district and over the signature of the chief administrator of the school district in which the minor resides, declaring that the said seventeen year old minor has attained his academic potential.

Section 109.03.3. (As added May 28, 1968) For the purposes Sections 109.02 and 109.03 of this regulation, it shall be the duty and the burden of proof is on the employer to have in his possession the licensed premises, and to produce on demand, a photostatic certificate of the birth certificate of any employee under the age of twenty-one years.

Section 109.04. Employment of Criminals.—No retail licensee shall employ in his licensed establishment any person who is prohibited by Section 493, sub-section 14 of the Liquor Code from frequenting such establishments except minors employed in accordance with Section 109.02 of this regulation.

Section 109.05. Employment of Licensees.—A license to manufacture, transport or sell liquor, alcohol and malt or brewed beverages, is a personal privilege which must be exercised by the individual to whom the license is issued. The operation of a licensed business is a full time responsibility requiring the constant attention of the licensee.

A. Retail Licensees

—No individual holding a retail license in his own name is permitted to be employed at, or engaged in any other business, except such associated business as is permitted under Section 103.02 of these regulations. If the license is issued in the name of a partnership, it is permissible for the partners, except one, to have outside employment.

B. Distributor or Importing Distributor Licensees

No individual holding a distributor or importing distributor license is permitted to be employed in any other work; nor, as provided in Section 493, sub-section 12, of the Liquor Code, engage in any other business, on or off the licensed premises, without board approval. If the license is issued in the name of a partnership, the board may permit the partners, except one, to have outside employment. However, the partnership must first secure written permission from the board before any of its members may be employed in any occupation or enterprise other than the licensed business.

Section 109.06. Appointment of Managers.—In the event of illness or an extended vacation, the Liquor Control Board may approve the appointment of a manager for a period of not more than thirty days. In case of emergency, this approval may be extended upon written request from the licensee. This manager shall be a reputable citizen of the United States, and the licensee shall immediately notify the board in writing of his desire to appoint a manager, giving the name and home address of the manager, the date and place of birth and, if naturalized, the date and place of naturalization. If there is any change of manager, the licensee shall immediately notify the board written notice of such change, together with full information for the new individual desired to be appointed. No individual may act in the capacity of manager in a licensed establishment until the licensee has received notice from the board that his appointment meets with approval. Any individual holding more than one license shall appoint a manager for each licensed establishment.

However, this section shall not be construed to prohibit the designation as manager, of a reputable employee by a licensee when such designation is not intended to relieve the licensee of his responsibility for giving his attention to the operation of the licensed establishment. The purpose and intent of this paragraph is to permit, without board approval, the licensee

to designate one of his employes as the person to be in charge of the business during short periods of time when the licensee must necessarily be absent from the licensed premises.

Section 109.07. Licensees in the Armed Forces of the United States.—Notwithstanding anything to the contrary in this regulation, individuals licensed to sell liquor or malt or brewed beverages in Pennsylvania, who may during an emergency in which a state of war is declared, or is imminent, enlist or be inducted into the Armed Forces of the United States of America; or who may be required by the Federal Government to enter a tour of duty with the Armed Forces and who furnish to the board documentary proof of such service, or evidence that such service is about to begin, may appoint a manager for their respective licensed establishments, subject however to the provisions of paragraph one (1), Section 109.06, hereof, as to appointment, qualifications, and change of managers.

All appointments of managers under this section shall be subject to approval by the board and, when approved, shall be effective only during the period the licensee is required by the Federal Government to be in the Armed Forces of the United States. Reenlistment in the Armed Forces, after the said emergency has ended, shall not be considered as justification for appointment of a manager.

Section 109.08. Licensee Not Exempt from Penalties.—Approval by the board of an appointment of manager shall not exempt the licensee from the penalties provided by law and board regulations for violations committed in the licensed establishment.

The board reserves the right to rescind the approval of an appointment of manager at any time for any cause which the board deems sufficient.

REGULATION 110 AMUSEMENT AND ENTERTAINMENT IN LICENSED ESTABLISHMENTS

(Effective June 26, 1952; as amended May 19, 1955)

Section 110.01. Issuance of Amusement Permits; Expiration; Transfers.—Under the provisions of the Liquor Code, the Pennsylvania Liquor Control Board is empowered to issue to the holder of a retail liquor or retail dispenser license, except clubs, upon proper application and payment of the required fee, a special permit authorizing dancing, theatricals, floor shows, and moving picture exhibitions in the licensed premises or in any place operated in connection therewith. Such special permit shall be known as an "Amusement Permit."

Applications for Amusement Permits may be filed with the board at any time during the license year and, if issued, such Permits shall expire with the licensee's license. An original (new) Amusement Permit will not be issued to any licensee against whom revocation or criminal proceedings are pending, neither will an original (new) or renewal Amusement Permit or transfer thereof be issued at any time to a licensee who charges admission to his licensed premises.

An Amusement Permit may not be assigned, but in event the licensee's retail liquor or retail dispenser license is transferred by the board from one person to another, or from one place to another, the Amusement Permit held by such licensee may also be transferred in like manner upon the payment of a filing fee of Five Dollars (\$5.00).

Section 110.02. (As amended May 19, 1955) Restrictions.—

- A. No licensee shall use or permit to be used on the inside or outside of the licensed premises a loud speaker or similar device whereby the sound of music or other entertainment, or the advertisement thereof, can be heard on the outside of the licensed premises.
- B. No licensee shall maintain on the licensed premises a platform or stage, level with or elevated above the floor and used by musicians or entertainers if such platform or stage, or the entertainment produced thereon, can be seen from the outside of the licensed premises.
- C. Except as hereinafter provided, no licensee shall advertise, or permit to be advertised, by descriptive poster, picture, placard, sign, flag, or otherwise on the outside of the licensed premises, or on the outside of any building of which the licensed premises are a part, or on the inside of such licensed premises (this includes windows, doors, and the glass therein), if the advertising can be seen from the outside, anything pertaining to the entertainment conducted therein: PROVIDED, however, that a licensee may display one (1) outside wall sign or advertisement not exceeding three feet by five feet (3' x 5') in area; said sign to contain only the name or names of the entertainer or entertainers; and shall not contain descriptive matter or paintings or photographs of any nature whatsoever.
- D. No licensee shall require, request or permit any person engaged directly or indirectly as an entertainer in the licensed establishment or in any room or place connected therewith, to contact or associate with the patrons in such establishment, room or place for any purpose whatsoever. (A copy hereof shall be constantly and conspicuously displayed on the wall of the dressing room or rooms used by such entertainers.)

- E. No licensee shall require, request or permit any waitress, hostess or any other employe in the licensed establishment, or in any room, or place connected therewith, to contact or associate with the patrons in such establishment, rooms or place, for any purpose whatsoever except as is necessary in the actual service of food and beverages.
- F. No licensee shall employ, directly or indirectly, any minor person under the age of eighteen years, as an entertainer, in the licensed establishment or in any room or place connected therewith, nor shall a licensee permit in such establishment, room or place, any minor person under the age of eighteen years to act as an entertainer.
- G. In addition to the general provisions of the Liquor Code no hotel, restaurant or eating place licensee shall hold or permit to be held, any tournament or contest of any sort on the licensed premises or on premises contiguous and adjacent thereto, nor directly or indirectly, advertise, offer, award, or permit the award, on the licensed premises of any trophies, prizes, or premiums, of any sort, for any purpose whatsoever.

A licensee with or without an Amusement Permit may provide instrumental music for the entertainment of patrons.

The restrictions in this section shall apply not only to the licensee, but to all partners, officers, directors, servants, agents and employes of a licensee.

Section 110.03. Suspension or Revocation of Amusement Permits.

The board, upon sufficient cause being shown or proof being made that any licensee holding an Amusement Permit issued by the board, or any partner, officer or director, servant, agent or employe of the licensee, has permitted in the licensed premises any lewd, immoral or improper entertainment or has violated any of the laws of this Commonwealth or regulations of the board relating to Amusement Permits or to the manufacture, sale, possession or transportation of liquor, malt or brewed beverages, or alcohol, upon due notice and proper hearing being given to such licensee holding an Amusement Permit, may suspend or revoke such Permit. The action of the board in suspending or revoking an Amusement Permit shall be final.

After a Permit has been revoked, an application for a new Amusement Permit may not be filed by such licensee until the expiration of one year from the date of revocation of the Amusement Permit.

If and when any licensee holding an Amusement Permit issued by the board, or any partner, officer, director, servant, agent or employe of such licensee, is found guilty of, or pleads guilty to, a violation of the laws of this Commonwealth or regulations of the board before any court, alderman, or justice of the peace, the board will in its discretion, after hearing, suspend or revoke the Amusement Permit of such licensee upon the receipt of a transcript of the record in said proceeding.

Section 110.04. Termination of Permits.—In the event that the liquor or malt or brewed beverage license issued by the board shall be revoked, suspended or terminated by the board or the court for any reason, then the Amusement Permit of the licensee shall likewise be automatically revoked, suspended, or terminated.

Upon the suspension, revocation or termination of an Amusement Permit as herein provided, there shall be no refund made nor credit given for the unused portion of the fee paid for such Permit.

Section 110.05. Hours for Amusements.—Licensees, holding Amusement Permits from the Pennsylvania Liquor Control Board, may permit dancing, theatricals, floor shows, and moving pictures in their licensed establishments only during the hours when the sale of liquor or malt or brewed beverages is legal.

However, this regulation shall not apply to or affect licensees or licensed establishments located in municipalities that have, by ordinance, resolution or other appropriate action in accordance with law, fixed the hours for such amusements in establishments licensed by the board; and the hours so fixed by ordinance, resolution and other appropriate action in accordance with law shall control if and when certified copies of same are filed with the board.

REGULATION 111 SANITARY AND LIGHTING CONDITIONS; CLEANING OF COILS

(Effective June 26, 1952; as amended April 29, 1959, and July 22, 1964)

Section 111.01. Patrons Rest Rooms.—All establishments licensed for the retail sale of liquor and/or malt or brewed beverages shall have separate and properly identified toilets for men and women. In rural communities having no sewage disposal system, outside toilets will be permitted by the board. In all other places, such facilities must be provided inside the licensed premises.

All toilets shall be easily accessible to patrons, with no entrance through the kitchen or living quarters. They shall be completely separated from any room used for the preparation, service or storage of food and shall have full length self-closing doors.

Each inside toilet shall have outside ventilation or be vented thereto by air duct (vents and ducts to have a cross section of not less than 40 square inches), and shall be equipped with at least one flush type stool or commode with seat, one wash bowl with running water, soap and sanitary towels. In the case of outside toilets, the wash bowl, soap and sanitary towels shall be provided inside the establishment.

All toilet walls, floors, ceilings, and fixtures, shall be kept in a sanitary condition at all times.

The foregoing requirements for Patrons Rest Rooms are the minimum requirements for retail licensed establishments, regardless of any greater or lesser requirements to comply with Section 111.02 following.

Section 111.02. (As amended April 29, 1959, and July 22, 1964) Compliance With Sanitation Requirements.—No restaurant, hotel or club catering liquor license or retail dispenser eating place or hotel malt beverage license authorized under the provisions of the Liquor Code will be issued, renewed or transferred by the Liquor Control Board for any premises unless the application for the said license, renewal or transfer has attached thereto documentary evidence showing that the proper municipal or state authorities have found that the place to be licensed, or for which an application is filed for the renewal or transfer of the license, meets all the sanitary requirements for a public eating place in that municipality wherein the place to be licensed is operated, as provided by any statute, ordinance or regulation. Such evidence in any of the following forms will be deemed acceptable documentary evidence:

1. Photostatic copy of current sanitation and/or health license and/or permit issued for the premises by the proper municipal or state health authority.
2. Sanitation certificates issued by the proper municipal or state health authority.
3. Letter signifying municipal or state health authority's approval of premises.

Section 111.03. Lighting Conditions and Visibility in Licensed Establishment.—All hotel, restaurant and club liquor licensees, and all retail malt beverage dispensers, shall at all times during the hours when the sale of liquor or malt or brewed beverages is permitted, maintain throughout the licensed premises sufficient illumination to insure clear visibility of the premises covered by the license and to permit patrons to read a menu or newspaper with ease. All tables and booths available for the accommodation of the public shall be so situated as to permit clear visibility of all acts occurring at such tables or in such booths.

Section 111.04. Cleaning of Coils, Tap Rods and Connections.—All coils, tap rods and connections, used in the operation of drawing malt or brewed beverages in licensed establishments, shall be thoroughly cleaned at least once every seven days at the sole expense of the licensee dispensing such beverages on draft. Cleaning of coils, tap rods and connections by one licensee for another licensee is prohibited.

The following methods of cleaning coils, tap rods and connections have been approved by the board:

- A. Live steam.
- B. Hot water and soda solution, followed by thorough rinsing with hot water.
- C. Any other method that thoroughly cleans the coils, tap rods and connections, and leaves them in a sanitary condition.

Section 111.05 Certificate or Record Required.—Coils, tap rods and connections may be cleaned for a licensee by any person who is thoroughly equipped to do so other than another licensee, by any method above enumerated. However, in all cases the cleaner shall furnish the licensee with a certificate showing the date cleaned, the name of person by whom cleaned, and the method used. Such certificate shall at all times be kept on file for inspection by officers of the board.

Coils, tap rods and connections may be cleaned by the licensee by any method above enumerated. However, the licensee shall keep a record of the date of each cleaning and the method used, which shall be available at all times for inspection by officers of the board.

Section 111.06. Pressure Maintenance.—If air (line pump) is used for pressure, the intake shall be from outside the building and shall be provided with an air filter or satisfactory air cleansing device. In lieu of air, the use of carbon dioxide is recommended, as this conduces to the maintenance of normal flavor in that it is much less susceptible than air to the growth of organisms and to chemical changes which may serve to impair the flavor.

Section 111.07. Responsibility for Condition of Equipment.—It shall be the sole responsibility of the licensee to see that equipment used in dispensing malt or brewed beverages on draft is maintained in a clean and sanitary condition. The mere fact that records of licensees indicate that coils, tap rods and connections have been cleaned shall be no defense to disciplinary action under the law and this regulation if the coils, tap rods and connections are at any time found to be in an insanitary condition.

REGULATION 112 LUNCH

(Effective June 26, 1952)

Section 112.01. Food Items Permitted.—Section 493, sub-section 9 of the Liquor Code, prohibits every retail liquor and every retail dispenser licensee, his servants, agents or employes, from furnishing, giving or selling below a fair cost any lunch to any consumer, except such articles of food as the board may authorize and approve.

The board hereby authorizes the furnishing by retail licensees of peanuts, pretzels, popcorn and potato chips for consumption on the premises, to consumers, under this provision.



REGULATION 113 CLUBS: RECORDS REQUIRED; CATERING

(Effective June 26, 1952)

Section 113.01. Provisions of the Law.—Section 102 of the Liquor Code requires that a club licensed by the board shall hold regular meetings, conduct its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members, and maintain such records as the board shall from time to time prescribe. Pursuant to and in accordance with this provision of the law, the following regulation is promulgated prescribing records to be maintained by all clubs holding either a liquor or a retail dispenser license.

Section 113.02. Membership Record.—A complete membership record shall be maintained, showing the date of application of the proposed member, the date of admission after election, the date initiation fees and dues are paid and the amounts. This record shall also show the name of the sponsor and any other remarks desirable. This record shall be either on a ruled form or preferably a card index, which shall carry at the top the name of the member, the address of the member and the serial number of the membership card issued. All dues shall be accumulated and posted to the proper column in the income records. A separate sheet or card shall be prepared for each member, and when members are dropped or resign, their cards shall be removed from the active file and placed in the inactive file for two years.

Section 113.03. Income Account.—A cash book shall be maintained and posted currently showing income in detail, separated into dues, income from malt or brewed beverages and liquor, income from food, and a miscellaneous column. This cash book shall be totaled each month and used when the bank account is reconciled by the Treasurer. The total entries under "Dues" should balance with the number of members active in the club. This record shall be maintained in columnar form.

Section 113.04. Expenditures.—A detail expense ledger or record must be maintained, showing in detail all expenditures separated by payments for malt or brewed beverages, liquor, food, detailed payroll, entertainment, rent, heat, light, water, equipment, and all details of all other expenditures. This record shall be in columnar form with the proper headings at the top, and balanced each month with the bank account and the Treasurer's records. Every expenditure shall be supported by delivery tickets, invoices, receipted bills, cancelled checks, petty cash vouchers or other sustaining data or memoranda.

Section 113.05. Bank Account.—A bank or cash account shall be maintained which shall show all income and expenditures as a control account on the income and disbursements records. This account shall be balanced each month by the Treasurer and proper record made of this in the minutes of the Recording Secretary.

Section 113.06. Minute Book.—A minute book shall be maintained and shall be posted currently by the Recording Secretary. This record shall contain the minutes of all regular and special meetings. It shall show the names and dates of applicants for membership and it shall also record the dates the members were admitted and if ballots were taken. The minute book shall

record the financial reports of the Treasurer and record all bills approved for payment, the reason therefor and the amounts involved. It shall record all parties, banquets, socials, etc., given to members free of charge and the costs involved. It shall show all elections and appointments of officers and committees, and the term for which they are elected, together with all customary entries in a record of this nature.

Section 113.07. Other Documents and Instruments.—The board requires that club licensees maintain on the licensed premises at all times the following instruments and records, subject to inspection by authorized representatives of the board:

- A. Photostatic or certified copy of the charter, if incorporated.
- B. Copy of the Constitution.
- C. Copy of the By-Laws.
- D. All invoices and receipted bills covering purchases made by officers of the club for the benefit of the club.
- E. Prescribed books of record and membership lists.

Section 113.08. Records in English.—All club records shall be maintained in the English language.

Section 113.09. Constitution and By-Laws.—Every club licensee shall adhere to all of the provisions of its Constitution and By-Laws.

Section 113.10. Food Concession.—If a club does not sell food it may permit a food concession to be operated by a person who is not an officer or employe of the club, and such concessionaire shall not hire any person who is an officer or employe of the club or who is a licensee or an employe of any other licensee.

The concessionaire must buy, prepare, sell and collect for all food and receive all profits from the sale thereof; pay his own employes; and neither the concessionaire, nor any of his employes are permitted to handle or dispense any liquor or malt or brewed beverages; and further provided that club employes are not permitted to serve or collect for food. Separate checks for food and liquor or malt or brewed beverages must be presented to each member being served.

Records covering all operations of the concession shall be maintained for a period of two (2) years on the licensed premises. Such records shall show the cost of food supported by invoices; receipts from sale of food supported by cash register tape or guest checks; any rental paid for the privilege and equipment used; together with the name and address, social security number and salary paid to each employe; together with all other expenditures.

Section 113.11. Catering.—Catering, for the purpose of this regulation shall mean the furnishing of liquor or malt or brewed beverages, or both, or any admixture thereof, to be served with food prepared on the premises or brought onto the premises already prepared, for the accommodation of groups of nonmembers who are using the facilities of the club only by prior arrangement, made at least twenty-four (24) hours in advance of the time for private meetings or functions, such as, dances, card parties, banquets, etc., and which is paid for by the nonmember or nonmembers.

A record shall be maintained showing the date and time catering arrangements were made, the name of the person or organization making the arrangements, and setting forth the approximate number of persons to be accommodated.

Section 113.12. Entrance and Inside Doors; Inspection.—No licensed club shall maintain or permit to be maintained in the clubhouse or club quarters entrance or inside doors barricaded in any manner.

Enforcement officers and investigators of the board shall, upon presentation of their credentials, be admitted immediately to the clubhouse or club quarters and permitted without hindrance or delay to inspect completely the entire clubhouse or club quarters at any time during which the same are open for the transaction of business.

REGULATION 114 CHANGE OF OFFICERS OF CORPORATIONS AND CLUBS TO BE REPORTED

(Effective June 26, 1952)

Section 114.01. Method of Reporting—Every corporation and club licensed by the Pennsylvania Liquor Control Board shall, within thirty days after any change is made in their officers or directors, report such change on form PLCB 470 which will be furnished upon request to the board.

**REGULATION 115 TRANSFER, EXTENSION, SURRENDER
AND EXCHANGE OF LICENSES**

(Effective June 26, 1952; Amended June 20, 1963; Amended October 30, 1968)

Section 115.01. Filing of Applications. All licenses issued by the Pennsylvania Liquor Control Board pursuant to the provisions of Article IV of the Liquor Code may be transferred, as hereinafter provided. Applications for transfer of licenses may be filed at any time, but when filed within thirty days of the expiration date of the license term the transfer shall apply to the renewal license only, except in the case of death. Applications for transfer shall be made on the regular transfer form, which shall be accompanied by two copies of the application for license, proper bond, and remittance in the amount of \$30.00 or \$20.00 (as prescribed in the Statute and noted on the transfer application form).

Section 115.02. Person to Person Transfers. When an application has been filed for transfer of a license from one person to another at the same address, a bill of sale of the business or fixtures shall be executed by the licensee and shall be exhibited to the Board or its representatives. The purchase price of the business, either in the form of cash or legal obligation as security for the purchase price, shall be placed in escrow with an attorney or financial institution, to be paid to the original licensee upon the approval of the transfer by the Board. The actual transfer of the ownership of the business shall not pass until approval of the transfer of license has been given. The transferee shall exhibit to the Board, or its representative, a deed or a lease for the premises, or bill of sale, or both, as the case may be. Inasmuch as the license shall not change hands until the license transfer has been approved by the Board, the original licensee may continue the operation of the business and may sell liquor and/or malt or brewed beverages until formal approval of the transfer has been given. However, if the original licensee does not continue operation under the license and remain in full charge of the business, no liquor or malt or brewed beverages shall be sold and the license shall be surrendered to the Board for safekeeping until the transfer is approved.

Section 115.03. Place to Place Transfers. In case a retail liquor or retail dispenser licensee moves his place of business from one address to another, the new establishment shall be open for business and in operation before the license transfer will be approved. No liquor or malt or brewed beverages shall be sold or served at the new establishment until formal approval of such transfer by the Board.

In the case of other type licenses transferable under the law, if the licensee desires to move his place of business from one address to another, proper application for transfer of license shall be made, and

approval of the Board obtained, before the business is operated at the new address

Section 115.04. Place to Place and Person to Person Transfers. In case of a transfer involving a change of both location and ownership, the new establishment, if retail liquor or retail dispenser, shall be open for business and in full operation, except as to the sale of alcoholic beverages. The new applicant shall satisfy the Board that he is the owner or lessee of the premises, the fixtures and equipment therein. No liquor and/or malt or brewed beverages shall be sold by the applicant until the transfer of the license has been approved. The transferor, provided his fixtures and equipment are not involved in the transfer, may, if he so desires, continue to operate at his original place of business until notified that the transfer of the license to the applicant has been approved, at which time the license and Wholesale Purchase Permit Card, if any, shall be surrendered, by the transferor, to the Board.

Section 115.05. Transfers in Case of Death. In the event of the death of the licensee, the license may be transferred to the surviving spouse, or to the administrator or executor of the licensee's estate, immediately upon presentation of the transfer form, application, bond, transfer or filing fee, and short form certificate from the Registrar of Wills. In the event it is desired to transfer the license to a person designated by and acting for the administrator or executor, the aforementioned papers, bond and fee, together with written evidence of such designation shall be submitted by the administrator or executor. The Board shall be notified in writing within five days in case of the death of licensee.

Section 115.06. Partnership Licenses. In the event of voluntary retirement of one or more partners, an application for correction of license shall be executed and filed by all the partners, including the retiring partner or partners. In the case of death of a partner, the application for correction of license shall be executed and filed by all the surviving partners, and by the administrator or executor of the deceased partner, if any, and be accompanied by a short form certificate from the Registrar of Wills. In the event there is no administrator or executor of the estate of a deceased partner, the application for correction of license shall be executed and filed by the surviving partners together with documentary evidence of the death of the partner. The above requirements shall also apply where the license is held jointly by husband and wife. All such applications for correction of license shall be accompanied by an approved bond rider executed by the applicant and the surety company on the current license bond. No fees shall be required on applications for correction of license.

Section 115.07. Return of Original License and Wholesale Purchase Permit Card. Immediately upon the approval of a transfer of license, the transferee may be authorized by letter to sell liquor and/or malt or brewed beverages, or manufacture malt or brewed beverages, as the case

may be, for a period of fifteen days. During the interim the original license and Wholesale Purchase Permit Card, if any, shall be returned to the Board.

Section 115.08: Extension of License to Cover Additional Premises. No licensee of this Board may carry on any business permitted by his license on any other premises, or any portion of the same premises other than that for which the license was issued, without having first obtained approval from the Board for the inclusion of such additional premises in the license.

Section 115.09. Application; Fee. To obtain such approval, an application for extension of license must be filed with the Board describing the additional premises, to which shall be attached a bond rider covering such premises, properly executed by the surety or sureties who executed the bond filed with the application for the current license.

A filing fee of twenty dollars (\$20.00) shall accompany each application for extension of license, and a physical inspection of the premises shall be made whenever it is deemed necessary by the Board.

Section 115.10. Equipment. The additional premises, for which it is desired to extend any license, shall be completely equipped for the carrying on of the type of business permitted under the said license, but no sales of liquor or malt or brewed beverages, or storage, etc., shall take place in such additional premises until approval has been given by this Board. Such approval may be in the form of a new license, giving any additional address, or a letter authorizing the use of the additional premises. In the case of Distributors and Importing Distributors of malt or brewed beverages, no sales of malt or brewed beverages shall be made at any time in any warehouse except that in which the licensee's office or principal place of business is maintained.

Section 115.11. Refusal. The Board may, in its discretion, refuse to extend any license issued by it, and in all such cases the filing fee shall be retained by the Board.

Section 115.12. Surrender of Licenses in Certain Cases. Any licensee, whose licensed establishment for any reason whatsoever is not in operation for a period of fifteen (15) consecutive days, shall return his license (and, if a liquor license, also his Wholesale Purchase Permit Card) to the Pennsylvania Liquor Control Board not later than the expiration of the fifteen day period. The return of such license and card shall not invalidate the license, but the same shall be held for the benefit of the licensee and be available for his use when operations are resumed at the licensed premises, or for transfer.

However, when the license is returned due to the fact the licensee no longer has a lease for the licensed premises, or removes therefrom, or is dispossessed by legal process, the license shall be invalidated as to the particular premises for which issued but shall not be invalidated

generally nor cancelled, and shall be held available for the benefit of the licensee solely for transfer.

In the event that such license and card are not surrendered and returned voluntarily by the licensee as above provided, the enforcement officers of the Board shall lift such license and card, and return the same to the Board.

No license which has been surrendered to the Board nor any renewal thereof in possession of the Board shall be held for the benefit of the licensee for a period exceeding one year from the date of surrender, except when in the opinion of the Board, circumstances beyond the licensee's control prevent reactivation. Failure of the licensee to lift the license and resume operation of the licensed business, or failure to effect a transfer of the license within the said one year period shall be sufficient cause for the revocation of the license.

Section 115.13. Surrender of Licenses for Cancellation or Transfer.

No individual, partnership, association, or corporation, shall hold more than one retail license of the same type to cover the same establishment.

No retail licensee shall be granted a new retail license to cover the same establishment for which he already holds a retail license of a different type. In the event an application for a new retail license of a different type is approved, the license which is then in effect in the name of the applicant for that establishment must be surrendered to the Board for cancellation before the new license is actually issued.

In the event an application for transfer of an existing retail license of a different type to the premises already licensed is approved, the license which is then in effect in the name of the applicant for that establishment must be surrendered to the Board before the transferred license is actually issued in the applicant's name. In such case the license which has been surrendered to the Board or any renewal thereof in possession of the Board shall be held available for the benefit of the licensee solely for transfer for a period which shall not exceed one year from the date of surrender. In the event that a transfer of the license is not effected within the said one year period, the license shall automatically be cancelled and there shall be no refund of the license fee or any portion thereof; provided, however, that any transfer application pending at the expiration of the said one year period may be processed to conclusion.

Section 115.14. Exchange of Distributor and Importing Distributor Licenses.

A. Applications and Bonds

Applications for the exchange of Distributor or Importing Distributor Licenses shall be filed on forms furnished by the Board and shall be considered by the Board only at the times indicated in the schedule of dates as set forth in subsection "B" hereof. Each exchange application shall be accompanied by a bond executed on the standard form furnished by the Board in the penal sum required for the type of license desired.

B. Effective Dates

All Distributor and Importing Distributor Licenses issued in exchange shall become effective, either at the beginning of each license year in the respective districts, or six months later, depending upon the date the application is filed. The following is a schedule of the dates when exchange applications shall be filed, together with the date when the license shall become effective:

District	File Prior to	Effective Date
No. 1	October 2 April 1	November 1 May 1
No. 2	January 2 July 2	February 1 August 1
No. 3	April 1 October 2	May 1 November 1
No. 4	July 2 January 2	August 1 February 1

C. Fees

An application for the exchange of a Distributor License for an Importing Distributor License, if filed for the full license term, shall be accompanied by a license fee in the amount of \$900, filing fee of \$20 and the requisite vehicle card fee, if any.

An application for the exchange of a Distributor License for an Importing Distributor License, if filed for the last six months of a license term, shall be accompanied by a license fee in the amount of \$250, filing fee of \$20 and the requisite vehicle card fee, if any.

An application for the exchange of an Importing Distributor License for a Distributor License, if filed for the full license term, shall be accompanied by a license fee in the amount of \$400, filing fee of \$20 and the requisite vehicle card fee, if any.

An application for the exchange of an Importing Distributor License for a Distributor License, if filed for the last six months of a license term shall be accompanied by a filing fee of \$20 and the requisite vehicle card fee, if any. In the case of this type of exchange, a refund in the amount of \$250 representing one-half of the difference between the Distributor and Importing Distributor License Fees shall be granted to the licensee upon approval by the Board of the exchange and the claim for refund. This refund shall be requested by the licensee on the standard "Claim for Refund" forms furnished by the Board.

REGULATION 116 DISPOSITION OF LIQUOR AND MALT OR BREWED BEVERAGES UNDER CERTAIN CONDITIONS

(Effective June 26, 1952)

Section 116.01. Alcoholic Beverages Held by Estates; Under Legal Process; and by Licensees Who Have Discontinued Business.—Liquor purchased from a Pennsylvania Liquor Store and forming part of a decedent's estate, a bankrupt's estate, or liquor so purchased and in the custody of the law under legal process, shall not be sold except to the board as provided in this regulation.

Liquor purchased from Pennsylvania Liquor Stores by a licensee of the board and in the possession of such licensee at the time he discontinues the licensed business, either by transfer of his license or otherwise, may be sold by such licensee or may be repurchased from him by the board but only pursuant to and in accordance with this regulation.

Malt or brewed beverages purchased from a licensed Distributor or Importing Distributor or Brewer, forming part of a decedent's estate, a bankrupt's estate, or in the custody of the law under legal process, may be sold only to the licensed Distributor, Importing Distributor, or Brewery from whom originally purchased.

Malt or brewed beverages in possession of a licensee at the time he discontinues his licensed business, either by transfer of his license or otherwise, may be sold by him, only to the transferee of his license or to the Distributor, Importing Distributor or Brewery from whom originally purchased.

Section 116.02. Information to be Furnished Board.—Persons other than the purchaser and licensees who have discontinued business and who possess liquor purchased from Pennsylvania Liquor Stores and desire to sell the same, shall file with the board a sworn statement containing the following information:

A. Executors and Administrators

Name and address of decedent, and date of death.

Name and address of executor or administrator, who shall file with the statement a short form certificate from the Registrar of Wills.

Description of the liquor, including brand name, size and number of containers of each brand.

B. Receivers and Trustees in Bankruptcy

Name and address of bankrupt, and date of bankruptcy.

Name and address of receiver or trustee, who shall file with the statement a certified copy of his appointment or election, and a certified copy of the order of court authorizing or directing the sale of liquor.

Description of the liquor, including brand name, size and number of containers of each brand.

C. Officers of the Law

Name and address of debtor, and nature of debt.

Name and address of sheriff, constable or other officer of the law, who shall file with the statement written evidence of his authority to act, together with the name of court, number and term or name of magistrate.

Description of the liquor, including brand name, size and number of containers of each brand.

D. Licensees Who Have Discontinued Business Without Transfer of License

Name and address of licensee.

Written statement under oath that the licensee has discontinued his licensed business and the date thereof.

Description of the liquor, including brand name, size and number of containers of each brand.

E. Licensees Who Have Sold Their Licensed Business Together With the Liquor License (See Section 116.05 following).

Section 116.03. Repurchase by the Board, and Price.—Upon receipt by the board of the information required, and verification thereof by its investigator, the board will in its discretion arrange to repurchase at the price paid by the licensee or the then available price to licensees, whichever is lower, less twelve and one-half percent ($12\frac{1}{2}\%$) handling charges, all such liquor purchased from Pennsylvania Liquor Stores.

Section 116.04. Containers Unopened, with Revenue Stamps and State Seals Intact.—Repurchases by the board will be confined solely to liquor in the original containers, unopened and with revenue stamps and State seals attached, as when sold by the State Liquor Stores.

Section 116.05. Licensees Who Have Sold Their Licensed Business.—If and when a licensee sells his licensed business, and transfer of the license is approved by the board, the board will in its discretion, as hereinbefore provided, repurchase the legal liquor in his possession at the time of the transfer of the license; or the licensee may if he so desires sell the said liquor to the transferee of his license; provided, however, the licensee at the time the application for transfer of his license is filed, notifies the board in writing of his intention to include such liquor or a designated quantity thereof in the sale of his licensed business; and provided further, when the transfer for a license is approved by the board, the licensee furnishes the board with a sworn statement containing a description of the liquor including brand name, size and number of containers of each brand so sold to such transferee.

Section 116.06. Sales of Liquor Prohibited.—Sales of other than State Store liquor, and sales of State Store liquor contrary to the provisions of this regulation, are prohibited, except sales made by licensees in accordance with the provisions of the Liquor Code.

REGULATION 117 ALCOHOL

(Effective June 26, 1952; as amended March 1, 1954, and November 4, 1963)

Section 117.01. Definition.—Alcohol, as defined in the Liquor Code, shall, for the purpose of this regulation, include absolute alcohol, ethyl alcohol, cane spirits, Cuban spirits, grain spirits, fruit spirits, high wines, and all other spirits by whatever name or designation given.

Section 117.02. Retail and Wholesale Purchase and Sale of Alcohol at Pennsylvania State Stores.—Any person legally qualified to purchase liquor at retail in the Commonwealth of Pennsylvania may purchase alcohol at retail either directly at State Stores or by special order through the State Store system.

A. Sales At Retail—The board will keep in stock at the State Stores for retail sales Ethyl Alcohol (190 proof).

Special Orders for Ethyl Alcohol (190 proof) will be accepted for a minimum quantity of one case of twenty-four (24) pints or one case of twelve (12) quarts; and special orders for Absolute Ethyl Alcohol (200 proof) will be accepted for a minimum quantity of one (1) gallon. At the time of placing such an order, a deposit of at least 25 per cent of the selling price must be made and the name of the manufacturer must be furnished.

B. Sales At Wholesale—The board may keep in stock Ethyl Alcohol (190 proof) in two (2) gallon containers, which will be priced at net wholesale, available only to holders of Wholesale Alcohol Purchase Permit Cards. There shall also be available to holders of Wholesale Alcohol Purchase Permit Cards, the containers which are carried in regular stock at net wholesale permittee prices.

Special Orders may be placed at State Stores by holders of Wholesale Alcohol Purchase Permit Cards for a minimum quantity of one (1) gallon of Absolute Ethyl Alcohol (200 proof) which is also known as Anhydrous Alcohol, and Ethyl Alcohol of 190 proof in standard case quantities. However, no special order will be accepted for any brand of alcohol sold as stock merchandise in the same size containers. At the time of placing such an order, a deposit of 25 per cent of the selling price must be made and the name of the manufacturer must be furnished.

Section 117.03. (As amended November 4, 1963). Permits—Fees, Classification and Requirements.—Wholesale Alcohol Purchase Permits shall be divided into three (3) classes and shall be designated as Permits AB (Beverage), AN (Non-Beverage), and AE (Tax Exempt). All three classes shall be issued by the board for the calendar year. Permits AB and AN shall be issued at a fee of \$2 each, and Permit AE shall be issued free of charge.

No fee shall be required for any Alcohol Permit issued to any state owned institution, any Department, Board or Commission of the Commonwealth, or to any political subdivision thereof, or to any agency of the United States Government.

There shall be no restrictions on the quantity of alcohol to be purchased under any class of alcohol permit.

AB Permits shall be issued only to Pennsylvania Distillery licensees. The holder of such permit may purchase alcohol at wholesale either directly or by special order through the State Store system or from Pennsylvania Distillery licensees or from legal vendors or manufacturers located outside of Pennsylvania or import alcohol manufactured by its own distilleries located outside of Pennsylvania.

AN Permits shall be issued only to physicians, dentists, veterinarians and pharmacists, duly licensed and registered under the laws of this Commonwealth, manufacturing pharmacists and chemists, manufacturers of products for non-beverage purposes, hospitals, sanitariums, eleemosynary institutions, dispensaries, governmental agencies, laboratories, universities and colleges of learning, located in Pennsylvania or for the use of their branches or subdivisions located in Pennsylvania. Permits shall be issued only for the address at which the alcohol is to be stored. Each address shall require a separate permit. The holder of such permit may purchase alcohol at wholesale either directly or by special order through the State Store system or from Pennsylvania licensed distillers designated in their application as provided in Section 117.08-B or from distillers outside this Commonwealth as provided in Section 117.08-C.

AE Permits shall be issued only to the holders of Federal Tax-Free Permits. The holder of such permit may purchase alcohol in the same manner as provided for the holder of an AN Permit.

Section 117.04. Application for Wholesale Alcohol Purchase Permit.—Application for a Wholesale Alcohol Purchase Permit shall be made in writing on the form provided by the board.

If a natural person, the application shall be made by and in the name of the person; if a partnership, by and in the name of the partnership, by an authorized partner; and if a corporation, by and in the name of the corporation, by its properly designated officer.

The board will, in its discretion, issue the permit applied for provided the permit fee as hereinbefore prescribed has been paid.

Section 117.05. Wholesale Alcohol Purchase Permit Cards.—A Wholesale Alcohol Purchase Permit Card will be issued for each approved application. This card will allow the permittee and not more than two (2) agents to purchase alcohol at wholesale from the State Stores. Each agent shall be directly employed by the permittee and, for identification purposes, shall sign the purchase permit card in the space provided.

Each time a purchase is made at the State Store, the purchase card shall be presented by the permittee, or his agent, and the quantity of each purchase shall be recorded on the reverse side of the card by the State Store Clerk.

In case any change in agents is desired, a new alcohol purchase permit card shall be obtained by making application to the board on form PLCB-56 "Application for Duplicate License or Permits." A fee of one dollar (\$1.00) shall be required with each such application and forms therefor may be obtained at any State Store.

Section 117.06. Restrictions on Use of Alcohol by Permittees.—Permittees purchasing alcohol in accordance with this regulation may use such alcohol only for the following purposes:

- A. Physicians, dentists, veterinarians—in their professional practice.
- B. Pharmacists—in the compounding of prescriptions and sterilizing of equipment.
- C. Manufacturing pharmacists and chemists, and other manufacturers of non-beverage products—in the manufacture and compounding of products unfit for beverage purposes.
- D. Distillery licensees—in the rectification of their products.
- E. Governmental agencies, hospitals, sanitariums, eleemosynary institutions and dispensaries—for medical, mechanical and scientific purposes and treatment of patients.

- F. *Laboratories*—for scientific research.
- G. *Universities and colleges of learning*—for scientific, mechanical purposes, and for medicinal purposes in infirmaries.

Section 117.07. (*As amended March 1, 1954*) **Purchase and Importation of Alcohol by AB Permittees from Other Distilleries.**—The holder of an AB Permit engaged in this state in the manufacture, rectification or blending of liquor, and the holder of an AB Permit who also manufactures alcohol under license in this state or any other state, may under an AB Permit import such alcohol into Pennsylvania and may purchase alcohol from Pennsylvania Distillery licensees who manufacture alcohol, and may purchase and import alcohol from legal vendors located outside of the Commonwealth of Pennsylvania, and in the case of affiliated companies may purchase alcohol from its affiliates or subsidiaries in the manner and for the purposes set forth below.

Every consignment of alcohol purchased or imported under the provisions of this section shall be shipped in bond and shall, upon arrival at its destination be placed in a bonded warehouse holding a Pennsylvania Bonded Warehouse License, unless the permittee maintains and operates its own bonded warehouse under its Pennsylvania Distillery License.

In the event that the alcohol so imported is stored in a bonded warehouse not maintained by the permittee, then and in that event the alcohol so stored may be delivered only to the permittee. Except as provided in Section 117.09 of this regulation, alcohol so imported or purchased by the permittee shall not be resold as such but shall be used only by the permittee in its manufacture, rectification or blending of liquor under its Pennsylvania Distillery License.

Section 117.08. Purchase of Alcohol by AN and AE Permittees.—

- A. AN and AE permittees may purchase alcohol requirements from the State Stores.
- B. AN and AE permittees may purchase alcohol from Pennsylvania distillery licensees who manufacture alcohol providing such distilleries have been designated in their applications. Upon approval of the application, the board will notify such distillers that deliveries of alcohol may be made direct to the permittee during the calendar year. The names of such distillers may be added to or deleted from the application at any time during the term for which the purchase permit is effective, and alcohol may be shipped direct to the purchase permittee upon notice by the board of specific approval for each addition or change.
- C. Alcohol may be purchased in bulk by AN or AE Permittees from distillers located outside this Commonwealth through the board.
AN and AE Permittees desiring to purchase alcohol in bulk shall submit their order for such purchases to the Pennsylvania Liquor Control Board at Harrisburg, Pennsylvania, on a Bulk Purchase Order, Form PLCB-381 (in duplicate), obtainable from the Purchasing Division, Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania. Bulk purchases of 190 proof alcohol by AN Permittees will be allowed only in quantities of twenty-five (25) wine gallons or more and in containers of not less than five (5) gallon capacity. AE Permittees may purchase alcohol in bulk, without restrictions as to minimum size of container or minimum quantity. Each order submitted

by an AN Permittee shall be accompanied by a remittance in the amount of two dollars (\$2.00). No service charge will be required of AE Permittees. Immediately upon receipt from a permittee of a bulk purchase order for alcohol, the board will, if approved, notify thereon its approval and send it to the distiller designated therein, notifying such distiller to make shipment to the Pennsylvania Liquor Control Board at the destination indicated in the order.

The board will furnish the distiller with board seals which shall be affixed by him to each container of the shipment to identify such container as a legal purchase in Pennsylvania. The board will furnish the permittee with a "Notice of Release," in duplicate, both copies of which shall be signed by the permittee and surrendered to the carrier upon delivery of the shipment. The carrier shall, in turn, forward one copy of this "Notice of Release" to the office of the Pennsylvania Liquor Control Board in Harrisburg, Pennsylvania.

The board shall not be liable to any distiller for the purchase price of alcohol purchased in bulk by a permittee, but will allow the payment of the purchase price by the permittee directly to the distiller upon such terms as may be agreed between them.

Section 117.09. (As amended March 1, 1954) Prohibited Purchases and Sales.—Except as hereinafter provided, no permittee or any other person may purchase alcohol for repackaging or resale in its original state, provided, however, that this prohibition shall not be construed to apply to sales and/or transfers of alcohol between affiliates or subsidiaries holding Pennsylvania Manufacturers' Licenses (distilleries) and alcohol permits as herein required, if and when such alcohol is used by the licensees solely for blending and rectification of liquor.

Distillers may not sell alcohol to anyone in this Commonwealth, except to alcohol permittees in accordance with this regulation or to the board.

Section 117.10. Records to be Maintained by Alcohol Permittees.—All alcohol permittees shall maintain on the premises where the alcohol is used, for a period of two (2) years, complete and truthful records covering the purchase, importation and use of alcohol. These records shall consist of a stock ledger maintained on a perpetual inventory basis showing all withdrawals from stock and setting forth in detail the purpose for which the alcohol is to be used.

The records of alcohol permittees, and the premises wherein alcohol is stored and used, shall be open to inspection, during regular business hours, by the board or its duly authorized representatives.

Section 117.11. Reports to the Board.—AB Permittees shall submit monthly reports on forms provided by the board (Forms PLCB-42, 43 and 44). Such reports shall be filed with the Pennsylvania Liquor Control Board not later than the fifteenth (15th) day of the following month.

Section 117.12. Transfer of Permits Prohibited.—No alcohol permit may be transferred from one person to another.

An alcohol permittee who changes his address from that shown on his alcohol purchase permit card, shall file within fifteen (15) days thereafter an application for correction of permit.

If any change in ownership of the permittee's business takes place, the alcohol permit shall automatically terminate and a new application must be filed by the successor.

Section 117.13. Renewal of Alcohol Permits.—Every alcohol permit issued under this regulation shall expire December 31, of the calendar year in which issued.

Such permits may be renewed by the filing of an application accompanied by the required fee, at least thirty (30) days prior to the expiration date of the current permit.

Section 117.14. Revocation or Suspension of Alcohol Permits.—The board may revoke or suspend any alcohol permit issued under the provisions of this regulation, if after notice and hearing it shall appear to the board that the permittee has violated any law of the United States or of this Commonwealth, or any regulation of the board, relating to liquor, malt or brewed beverages, or alcohol. The action of the board in revoking or suspending the permit shall be final.

REGULATION 118 PURCHASE OF LIQUOR BY PHARMACISTS, HOSPITALS AND STATE INSTITUTIONS

(Effective June 26, 1952; as amended April 29, 1959, and November 4, 1963)

Section 118.01. (As amended November 4, 1963). **Applications and Permits.**—A registered pharmacist operating a drug store or pharmacy, who desires to purchase liquor from a State Liquor Store, at wholesale, and sell or dispense such liquor on prescription or use such liquor in the compounding of prescriptions, only, shall make application to the board for a Wholesale Liquor Purchase Permit (Pharmacies, Hospitals and Institutions). The application shall be made in the form provided by the board and shall be accompanied by a fee of \$2.00.

Hospitals and State-owned institutions desiring to purchase liquor from a State Liquor Store, at wholesale, and sell or dispense such liquor to patients upon prescription of a physician, or use such liquor in the compounding of prescriptions or medicines, only, shall make application to the board for a Wholesale Liquor Purchase Permit. The application shall be made on the form provided by the board, but no fee shall be required.

Upon receipt of an application in proper form, the board may issue to the applicant a Wholesale Purchase Permit as provided in Regulation 105, authorizing the purchase of liquor at wholesale in accordance with the provisions of Section 118.02 below.

All Wholesale Purchase Permits issued to Pharmacists, Hospitals and State-owned institutions shall expire December 31, of the year in which issued and may be renewed upon the filing, not later than December 1, of an application and in the case of Pharmacists, only, the prescribed fee of \$2.00.

The board may refuse to issue or renew a Wholesale Liquor Purchase Permit under this regulation if it is of the opinion, based upon evidence obtained, that the provisions of this regulation or of the laws of this Commonwealth relating to liquor, malt or brewed beverages and alcohol have not been or will not be complied with.

Section 118.02. Sales on Prescription Only.—The holder of a permit under this regulation may purchase at wholesale at a State Liquor Store, and sell, dispense, or use in the compounding of prescriptions and medicines only, whiskey, brandy, Holland gin, champagne, port and sherry wines (herein called and referred to as "liquor"). A pharmacist may sell or dispense on the premises of his drug store or pharmacy, only upon a written prescription of a duly licensed physician, dentist or veterinarian. Every prescription for liquor shall be signed by a duly licensed physician, dentist or veterinarian, shall be dated and shall contain the name and address of the person for whom the liquor is prescribed. No prescription for liquor shall be written, prepared or executed in or on the premises of a drug store or pharmacy. A prescription for liquor shall be filled only once and shall entitle the person named therein to not more than one quart of the particular liquor specified.

Section 118.03. Prescriptions to be Retained.—All prescriptions upon which liquor has been sold or dispensed, by a pharmacist, or in a hospital or State-owned institution, shall be retained for at least two (2) years on the premises of the drug store, pharmacy, hospital or State-owned institution and shall be available for inspection by any authorized representative of the board.

Section 118.04. (Rescinded April 29, 1959)

Section 118.05. Inspection—Records.—The premises of every Permittee under this regulation wherein liquor is sold or dispensed on prescription shall be subject to inspection by authorized representatives of the board at any time during normal business hours.

All Permittees under this regulation shall keep and maintain upon the premises, books and records which shall show (a) quantity of liquor which has been purchased, the location of the State Store where procured, and the date purchased; (b) the name and address of the person to whom sold or dispensed, with quantity and date of sale; and, (c) quantity of liquor used in compounding prescriptions and medicines. These records shall be available for inspection by any authorized representative of the board at any time during normal business hours.

Section 118.06. Consumption in Pharmacy Prohibited.—No liquor purchased under this regulation shall be consumed on the premises of any pharmacy or drug store.

Section 118.07. Penalties.—Failure to maintain the records herein specified, or the sale, furnishing or dispensing of liquor by any permittee contrary to the provisions of this regulation and the Liquor Code, shall be sufficient cause for the suspension or revocation of the Wholesale Liquor Purchase Permit issued under this regulation and shall be construed as a violation of the Liquor Code.

REGULATION 119 WINES

(Effective June 26, 1952; as amended November 4, 1963)

Section 119.01. Purchase and Importation of Sacramental Wine.—

The holder of a sacramental wine license may purchase from manufacturers within this Commonwealth, or import into the Commonwealth, only wine to be used solely for sacramental or religious purposes, and such purchases shall be consigned and delivered to the licensee.

Section 119.02. Sale and Delivery of Sacramental Wine.—A. Sales

of sacramental wine may be made by the licensee only to a priest, clergyman or rabbi, duly ordained and in charge of a congregation, for use in the cathedral, church, synagogue or temple.

B. Sales of sacramental wine may be made by the licensee only to a priest, clergyman or rabbi, duly ordained and in charge of a congregation, for the use of sustaining members of the congregation or members of the faith who attend religious services, when religious rites of his denomination require the use of sacramental wine in the home.

The priest, clergyman or rabbi purchasing the wine shall furnish to the licensee the name and address of the member or family and the quantity of wine to be delivered; and, no sale or delivery shall be made until the names and addresses have been duly certified to the licensee.

Such sales are limited to an amount not exceeding ten (10) gallons annually to one family.

All deliveries shall be by the licensee direct to the home address as certified by the purchasing priest, clergyman or rabbi.

Section 119.03. Sacramental Wine Containers.—Containers for wine

sold for use in the church, synagogue or temple under Section 119.02 (A), may be of glass or wood and of unlimited capacity. The wine sold by the holder of a sacramental wine license for use in the homes of members under Section 119.02 (B), shall be limited to containers not exceeding one gallon. Each container shall be capped or corked by the manufacturer or the holder of a sacramental wine license and shall have affixed thereto the official seal of the board as required by the Liquor Code.

Section 119.04. Records of Sacramental Wine Licensees.—The holder

of a sacramental wine license shall keep in duplicate, daily records containing the date of purchase, the name and address of the person from whom purchased, the date of sale, the name and address of the priest, clergyman or rabbi to whom sold, and the kind, quantity and price of wine sold. Also, the name and address of members to whom wine is delivered direct, together with the quantity. A copy of all sales records shall be attached to the monthly report filed with the board, and a copy retained in the records of the licensee on the licensed premises for a period of two (2) years.

All stock of wine on hand shall be reconciled with the records by means of a physical inventory taken at the close of business each month, at which time proper claim shall be made for any unusual losses of wine through theft, evaporation, absorption, or other conditions. No retroactive claims for losses will be allowed.

The records maintained by licensees under this regulation shall be open to inspection by any representative of the board, during business hours.

Section 119.05. (*As amended November 4, 1963*) **Registration of Agents.**—It shall be unlawful for any sacramental wine licensee to employ individuals to solicit orders for sacramental wines or to promote the sale of such wines unless and until each such individual has been registered by the licensee with the board, in accordance with this regulation. Every application for registration shall be made upon forms provided by the board and shall set forth the name and address of the sacramental wine licensee together with the name and home address of the agent and any additional information required. The form shall be signed by both the sacramental wine licensee and the agent employed. Two photographs of the agent, exactly two by two inches in size, taken within two years, shall also be submitted therewith. Every application shall be accompanied by a remittance in the amount of \$10.00 for each agent to be registered, and an approved surety bond (form to be furnished by the board) in the penal sum of \$250.00. Such bond shall be conditioned for the faithful observance by the sacramental wine licensee, and the agent, of all the laws of the Commonwealth and regulations of the board, relating to liquor, alcohol and malt or brewed beverages. The board reserves the right to refuse to register any agent.

Section 119.06. Identification Cards.—Upon approval by the board of the licensee's application for registration of agents, there shall be issued to such authorized agents, identification cards containing the name and address of the licensee, and the name and address and physical description of the agent. There shall also be affixed to the identification card; a photograph of the agent, and no identification card shall be valid until signed by both the licensee, and the agent, and countersigned by a representative of the Pennsylvania Liquor Control Board.

Section 119.07. Privileges of Sacramental Wine Agents.—An agent of a sacramental wine licensee may solicit and obtain orders solely for sacramental wine and only from priests, rabbis or clergymen. No licensee or agent is permitted to contact persons other than priests, rabbis or clergymen. No agent of a sacramental wine licensee is permitted to have in his possession or on his truck any sacramental wine for which he does not have an order in his possession. No agent of the sacramental wine licensee may take orders for any alcoholic beverage except wine to be used for sacramental or religious purposes, unless such agent has been registered in accordance with the board's regulations, neither may he deliver any other type of merchandise. Every truck or vehicle used by a sacramental wine licensee or his agent, must be registered with the board in accordance with the Liquor Code and regulations of the board.

Section 119.08. Cancellation of Registration.—Any licensee may request the cancellation of an agent's registration by returning the identification card issued to the agent. The board shall cancel the registration so requested, and may release liability on the surety bond originally filed, provided there has been no breach of the condition of such bond. When the employment of any agent is terminated, the licensee shall immediately notify the board, and the identification card issued to the agent shall be surrendered to the board.

Section 119.09. Revocation or Suspension of Registration.—Upon learning of any violation of any regulation promulgated by the board, or any of the laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, by the agent of the sacramental wine licensee, the board may cite such agent to appear before it or its examiner, not less than ten (10) days nor more than fifteen (15) days from the date of sending such agent

registered mail, a notice to show cause why the agent's registration should be suspended or revoked. Upon such hearing, if satisfied that such violation has occurred, the board shall immediately suspend or revoke the agent's registration, notifying the licensee and the agent by registered mail. When a registration is suspended or revoked, the bond filed with the application for such registration may be forfeited, and the full amount of the bond, or any part thereof may be fixed as a penalty, and collected by the board. Any agent whose registration has been revoked shall be ineligible for re-registration under this regulation for such period of time as the board in its discretion shall determine. The action of the board shall be final.

Section 119.10. Wine to be Dispensed from Original Containers.—No wine may be dispensed by retail liquor licensees except from the original container purchased from Pennsylvania Liquor Stores.

Section 119.11. Destruction of Original Container by Licensees.—The original container of wine purchased from Pennsylvania Liquor Stores by a licensee must be destroyed within twenty-four (24) hours after the contents have been removed therefrom, as required by Section 491 (5) of the Liquor Code, which provides "It shall be unlawful for any restaurant, hotel or other licensee, his servants, agents or employees, to fail to break any package in which liquors were contained within twenty-four hours after the original contents were removed therefrom." This regulation is not intended to prohibit the use of decanter style bottles as original containers, but they must be destroyed within twenty-four (24) hours after emptied.

Section 119.12. Use of Dispensers.—This regulation is not intended to prohibit the use of siphons or other types of dispensers so long as the contents are dispensed directly from the original container.

Section 119.13. Wine in Kegs.—Wine in kegs of any capacity shall not be purchased or sold by the Pennsylvania Liquor Control Board. No wine shall be sold through the board in containers exceeding one (1) gallon capacity.

REGULATION 120 BRANDIES FOR RELIGIOUS USE

(Effective June 26, 1952)

Section 120.01. Procurement of Brandy.—Members of a religious denomination who require for religious use specially prepared brandies not stocked in State Liquor Stores may obtain the same only during the months of March and April, in each year, on Special Order, solely from Permittees hereinafter provided:

A. Pennsylvania importers and manufacturers (including rectifiers) licensed by the board, desiring to accept orders for such brandies, shall obtain from the board, free of charge, upon application, Special Permit Cards for such purpose, for themselves only, (Registered Agents of such licensees may not solicit nor accept Special Orders for this type of merchandise). This Special Permit Card shall be exhibited at the State Store when such Special Orders are placed.

Section 120.02. Listings.—Applications for the establishment of selling outlets for brandies for religious use shall be submitted on Form E-161 to the Pennsylvania Liquor Control Board, Purchasing Division, Harrisburg.

Section 120.03. Special Orders.—Orders for not less than one pint of brandies may be accepted by Permittees, under this regulation, but all be written on forms furnished by the board.

The total of such orders received from individuals, when transmitted to a State Store shall aggregate a full case; and shall be paid for in full when received.

It will not be necessary for a Permittee, under this regulation, to ship the merchandise to a State Store, but no deliveries of individual bottle orders will be made until a purchase order has been received by the Permittee from the board.

Section 120.04. Official Seals.—Each bottle of brandy sold under this regulation shall have thereto affixed the official decalcomania seal of the board, provided in the Liquor Code, in such manner as prescribed by the board.

Section 120.05. Violations.—Any permittee hereunder who shall violate any of the provisions of this regulation shall be subject to the penalties provided in the Liquor Code.

CHAPTER 20. BRADIES FOR RELIGIOUS USE

20.1. The Board of Eastern Council has decided to issue a series of Bradies for religious use. These Bradies will be issued in the form of a series of booklets, each containing a different Bradie. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie.

20.2. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie.

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20.4. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie.

20.5. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie.

20.6. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie.

20.7. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie. The Bradies will be issued in the form of a series of booklets, each containing a different Bradie.

REGULATION 121 IMPORTER LICENSES

(Effective June 26, 1952)

Section 121.01. Statutory Provisions.—Section 410 of the Liquor Code, provides:

“(c) Importers' licenses shall permit the holders thereof to bring or import liquor from other states, foreign countries, or insular possessions of the United States, and purchase liquor from manufacturers located within this Commonwealth, to be sold outside of this Commonwealth or to Pennsylvania Liquor Stores within this Commonwealth, or when in original containers of ten gallons or greater capacity, to licensed manufacturers within this Commonwealth.

“All importations of liquor into Pennsylvania by the licensed importer shall be consigned to the Pennsylvania Liquor Control Board or the principal place of business or authorized place of storage maintained by the licensee.

“(f) Every importer shall maintain on the licensed premises such records as the board may prescribe.”

Pursuant to and in accordance with the foregoing sections of the code, and for the more efficient administration thereof, this regulation is promulgated.

Section 121.02. Importation, Sales and Bottling.—Except as herein after provided, all liquors imported into and/or purchased within this Commonwealth and sold by the holder of an importer's license, shall be in the original container in which it was received by such importer, which container has been capped, corked and labeled by the manufacturer. Such liquors, imported or purchased within this State, may not be reduced, repackaged, fortified, blended, rectified or compounded by the importer unless he also holds a manufacturer's license issued by this board. However, the holder of an importer's license may have liquor imported or purchased by him in Pennsylvania in bulk, bottled for him by the holder of a manufacturer's license issued by this board. Such bulk liquor shall be bottled straight or reduced in proof only, and shall not be fortified, blended, rectified or compounded.

Section 121.03. Importations and Purchases by Distilleries Holding Importer Licenses.—A distillery which holds a manufacturer's license, issued by this board, may not import any liquor from outside this Commonwealth or purchase liquor from a Pennsylvania manufacturer unless such distiller also holds an Importer License issued by this board. When both such licenses are held, liquor may be imported or purchased from a Pennsylvania manufacturer, in bulk, by the holder thereof to be used in the manufacture, rectification, blending and reduction in proof for straight bottling. Liquors which have been rebottled, as well as rectified, and manufactured products, may be sold to the board, exported to other States, or sold to the holder of an Importer License within this State. Such importation or purchase of liquor must be for the sole use and benefit of the holder of the manufacturer's license, and the liquor so imported or purchased may not be resold in its original state.

Pennsylvania manufacturers holding Importer Licenses may purchase liquor in bulk from other manufacturers in this Commonwealth in accordance with the following procedure:

Bulk sales will be permitted only in quantities of 50 gallons or more for each sale. Manufacturers desiring to purchase liquor in bulk must place their

orders with the Purchasing Division of the board in Harrisburg. Every order shall set forth:

- A. The name and address of the manufacturer.
- B. The name and address of the person or firm to which the order directed.
- C. Description of the liquor desired.
- D. Manner in which the liquor is to be packed (size and number of containers).
- E. Manner in which the liquor is to be shipped—name of carrier (if the carrier is a trucking company said carrier must hold a valid Transporter-for-Hire Permit issued by the board).

Every order shall be accompanied by a remittance in the amount of \$2.00. The board will not be liable to any vendor for the purchase price of liquor purchased hereunder in bulk, nor for any transportation charges or claims in connection therewith.

Upon approval by the board of an order from a manufacturer, the order will be forwarded to the person or firm to which directed and the vendor notified to make shipment to the Pennsylvania Liquor Control Board at the destination given in the order. The board will furnish the vendor with seals which shall be affixed by him to each container of the shipment to identify such container as a liquor purchased in Pennsylvania.

The board will also furnish the purchaser with a Notice of Release in duplicate, both copies of which shall be signed by the purchaser and surrendered to the carrier upon delivery of the liquor. The carrier will in turn sign the original in the space provided and forward it to the Liquor Control Board in Harrisburg, retaining the other copy for his file.

The board reserves the right to inspect purchases made under this regulation and also all records covering transactions under this regulation.

Section 121.04. Records to be Maintained by Importers.—The holder of an Importer License shall keep on the licensed premises for a period of two (2) years daily records on forms approved by the board, showing all transactions in liquor. These records shall show particularly the date of purchase, the name and address of the person from whom purchased, the kind and quantity of liquor purchased, and if purchased in bulk and bottled in Pennsylvania, the name and address of the manufacturer therein that bottled the bulk liquor, together with the kind and quantity thereof so purchased and bottled, the date of sale, the name and address of the person to whom sold and the kind, quantity and price of the liquor sold.

Records must also be maintained for all liquor withdrawn from stock. Such records shall show the date of withdrawal, quantity withdrawn and the purpose for which used.

Section 121.05. Monthly Reports.—All importers shall, on or before the 15th day of each and every month, file with the board monthly reports covering the operation of their licensed business during the preceding month. Said reports shall be on Form PLCB-44, with attached schedules on Forms 43-A and 43-B. Duplicate copy of these reports shall be retained on the licensed premises for a period of two (2) years.

REGULATION 122 SIGNS, ADVERTISING, LABELING

(Effective June 26, 1952; as amended December 23, 1965, May 8, 1967 and April 24, 1970)

Section 122.01 (As amended April 24, 1970) Billboard, Newspaper, Magazine, Radio and Television Advertising of Malt or Brewed Beverages. Manufacturers of malt or brewed beverages, importing distributors and distributors may advertise in or by billboards, newspapers, magazines, radio and television, provided such advertisement makes no direct or indirect reference to the price at which such manufacturer, importing distributor and/or distributor will sell malt or brewed beverages or imply an inducement by the use of words or expressions, such as "Special," "Save," "Big Value," "Get Acquainted Offer," etc.

Manufacturers of malt or brewed beverages and importing distributors may include the names and addresses of all distributors and importing distributors to whom they sell in the locality covered by such billboard, newspaper, magazine, radio and television advertising. No discrimination may be shown to one distributor or importing distributor over another, and if more than one distributor or importing distributor purchases the products from the manufacturer or importing distributor in a given area covered by any such advertisement, the names and addresses of all who purchase the product directly from the advertiser shall be displayed or mentioned in equal prominence; otherwise none may be displayed or mentioned.

Section 122.02 (As amended April 24, 1970) Window and Doorway Advertising of Brand Names. No licensee shall install or permit to be installed any electrically operated signs or devices, lithographs, framed pictures, cardboard displays, statuettes, plaques, placards, streamers and similar items advertising brand names and intended for window and doorway display on the licensed premises until he has submitted detailed information to the Board on Form PLCB-948, and obtained Board approval. Such signs shall not exceed 300 square inches in display area and must carry a serial or model number permanently affixed to the display for identification purposes. A photograph or sketch of the display sign must accompany the application Form PLCB-948.

Only one sign (electric, lithograph, etc.) advertising the products of one manufacturer may be installed in the show windows or doorways of any one establishment.

If the approved sign, lithograph or similar material is of maximum size, no crepe paper or other background material may be used in conjunction with the installation. When installing approved signs of smaller area, if crepe paper or other background or decorative material is used, the combined area of the approved sign and background or decoration shall not exceed the maximum area of 300 square inches.

No brand name advertising matter shall be painted or affixed in any manner to the inside or outside of the glass in show windows or doorways of licensed establishments.

Section 122.03 (As amended April 24, 1970) Interior Advertising of Brand Names (other than window and doorway) No licensee shall install or permit to be installed any electrically operated signs or devices,

lithographs, framed pictures, cardboard displays, statuettes, plaques, placards, streamers and similar point-of-sale items advertising brand names and intended for interior display on the licensed premises until he has submitted detailed information to the Board on Form RLCB-948, and obtained Board approval. No single piece of advertising shall exceed a cost of \$10.00, and such signs must carry a serial or model number permanently affixed to the display for identification purposes. A photograph or sketch of the display sign must accompany the application Form PLCB-948.

If the approved sign, lithograph or similar material is of maximum value no crepe paper or other background material may be used in conjunction with the installation. If the approved display piece is of less than the maximum value, crepe paper, background or other decorative material may be used; however, the combined cost of the piece of advertising and crepe paper, background, etc., may not exceed \$10.00.

The Liquor Code provides that the total cost of all such point-of-sale advertising matter relating to products of any one manufacturer shall not exceed the sum of \$20.00.

Signs or displays intended for use interchangeably in a window, doorway or in the interior must meet both statutory requirements as to maximum area of 300 square inches and maximum value of \$10.00.

Section 122.04 (As amended April 24, 1970) Prohibition Against Giving and Accepting Things of Value. Except as hereinafter provided, no licensee or group of licensees, or their servants, agents or employees, shall directly or indirectly, in person, individually or through a trade organization, contribute to or accept from another licensee or group of licensees of a different class, their servants, agents or employees, or a trade organization of licensees of a different class, anything of value by means of advertisements, contributions, purchase or sale of tickets, donations, or by any device or for any purpose whatsoever. Nothing contained herein shall prohibit manufacturers of alcoholic beverages and their servants, agents, or representatives from participating in the activities of State or National conventions of State or National organizations of retail liquor licensees or distributor and/or importing distributor malt beverage licensees.

Such participation shall be limited to the payment of registration fees entitling registrant to admission to the convention, to the insertion of advertising in the convention program of the State or National convention aforesaid and to the furnishing of food, beverages and entertainment to persons who are bona fide registrants at such conventions.

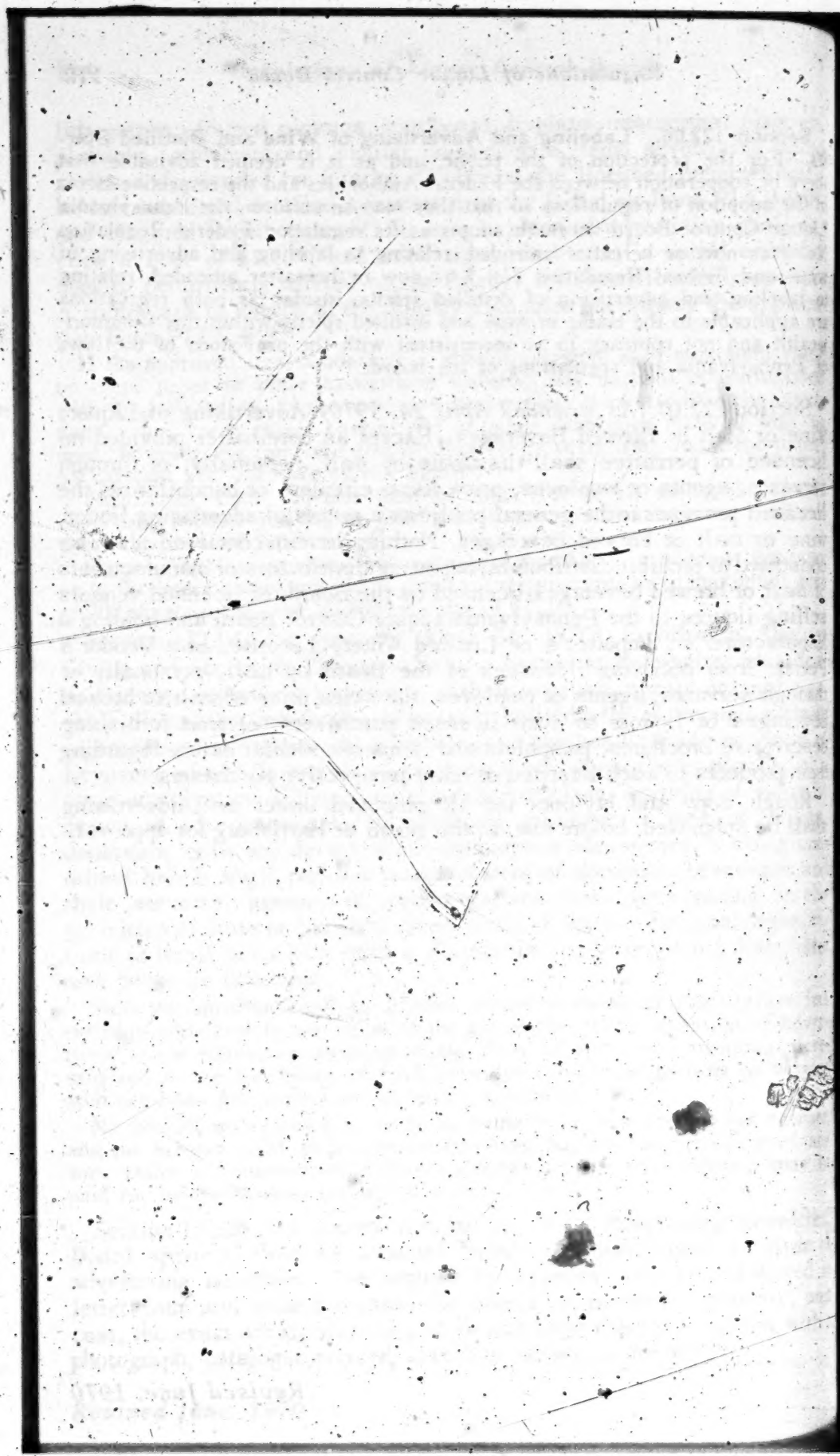
No licensee may furnish to, or do, or cause to be done for another licensee, and no licensee shall permit to be furnished to him, any painting of any sort, under any pretext whatsoever, whether or not such painting may be paid for by the licensee for whom done.

Section 122.05 (As amended April 24, 1970) Advertising Novelties. Board approval must be obtained before any distribution is made of advertising novelties. The request for approval may be submitted in letter form and should include the source of purchase, quantity, unit cost, the exact advertising copy to be imprinted thereon, together with a photograph, catalogue picture, sketch or sample of the novelty.

Section 122.06. Labeling and Advertising of Wine and Distilled Spirits.—For the protection of the public, and as it is deemed advisable that there be cooperation between the Federal Authorities and the respective states in the adoption of regulations so that they may be uniform, the Pennsylvania Liquor Control Board herewith adopts as its regulation Federal Regulation No. 4 as now or hereafter amended, relating to labeling and advertising of wine, and Federal Regulation No. 5 as now or hereafter amended, relating to labeling and advertising of distilled spirits, insofar as both regulations are applicable to the traffic in wine and distilled spirits within this Commonwealth and not contrary to or inconsistent with the provisions of the laws of Pennsylvania and regulations of the board.

Section 122.07 (As amended April 24, 1970) Advertising of Liquor, Wine or Malt or Brewed Beverages. Except as hereinafter provided no licensee or permittee shall distribute by mail, personally, or through servants, agents or employees, price lists, circulars or handbills off the licensed premises to the general public as a means of advertising liquor, wine or malt or brewed beverages. Nothing herein contained shall be construed to prohibit distributors, importing distributors or manufacturers of malt or brewed beverages licensed by the Board, or licensed vendors selling liquors to the Pennsylvania Liquor Control Board and holding a Manufacturer's, Importer's or Limited Winery License, or a Vendor's Permit from notifying licensees of the Board by mail, personally or through servants, agents or employees, the sales price of malt or brewed beverages or liquors to such licensed purchasers, or from furnishing descriptive brochures, pamphlets and items of a similar nature regarding their products to such licensed or other prospective purchasers.

Rough copy and lay-outs for all proposed direct mail advertising shall be submitted, before use, to the Board at Harrisburg for approval.



REGULATION 123 DISTILLERY CERTIFICATE BROKERS

(Effective June 26, 1952)

Section 123.01. Records to be Maintained.—Distillery Certificate Brokers licensed by the Pennsylvania Liquor Control Board shall maintain their licensed Pennsylvania address complete and truthful records covering their operations as brokers in Pennsylvania. Such records shall include the name and address of the distillery or person from whom distillery bonded warehouse certificates are purchased, the serial numbers thereof, the purchase price, the date of purchase, number of barrels with their serial numbers and the age of the whiskey covered by such certificates.

The name and address of the person, or persons, to whom all certificates are sold and the selling price thereof, together with the date of sale shall also be included as shall all profits and commissions earned by the broker on the sale of certificates, whether such certificates were actually owned by the broker or not.

Records shall also be maintained, covering the receipt and disposition of all samples, obtained in accordance with the provisions of this regulation.

All records maintained by Distillery Certificate Brokers shall be open to inspection by authorized representatives of the Pennsylvania Liquor Control Board during regular business hours.

Section 123.02. Samples for Brokers.—Distillery Certificate Brokers licensed by the board may obtain samples of liquor as may be required from distillers in Pennsylvania or outside the State in the following manner: A written request in the form prescribed by the board shall be made by the broker to the distillery from which the sample, or samples, are desired and a copy of such letter shall be submitted at the same time to the Purchasing Division of the board at Harrisburg. This Division will, if the request is approved, assign a release number to the transaction and notify the distillery from which the sample, or samples, have been requested by letter that shipment may be made. The distillery will be furnished, with this letter of authority, the required number of decalcomania seals of the board which must be affixed to each bottle of the shipment. Samples may then be shipped, using the label supplied by the broker, to the Pennsylvania Liquor Control Board or either of the following designated stores: (or any other store which the board may designate) Store No. 5128, 1422 South Penn Square, Philadelphia, Pennsylvania, or Store No. 0207, 340 Boulevard of the Allies, Pittsburgh, Pennsylvania. A release under the same number will then be issued to the broker, which release must be presented in duplicate to the State Store in order to obtain possession of the sample, or samples.

All samples shipped to brokers in accordance with this regulation must be packaged in four (4) ounce bottles bearing labels with at least the following information:

- A. Name and location of the distillery.
- B. Exact date of distillation.
- C. Proof when entered into bond.
- D. Date withdrawn from bond.
- E. Proof when withdrawn from bond.
- F. Serial number of containers from which withdrawn.

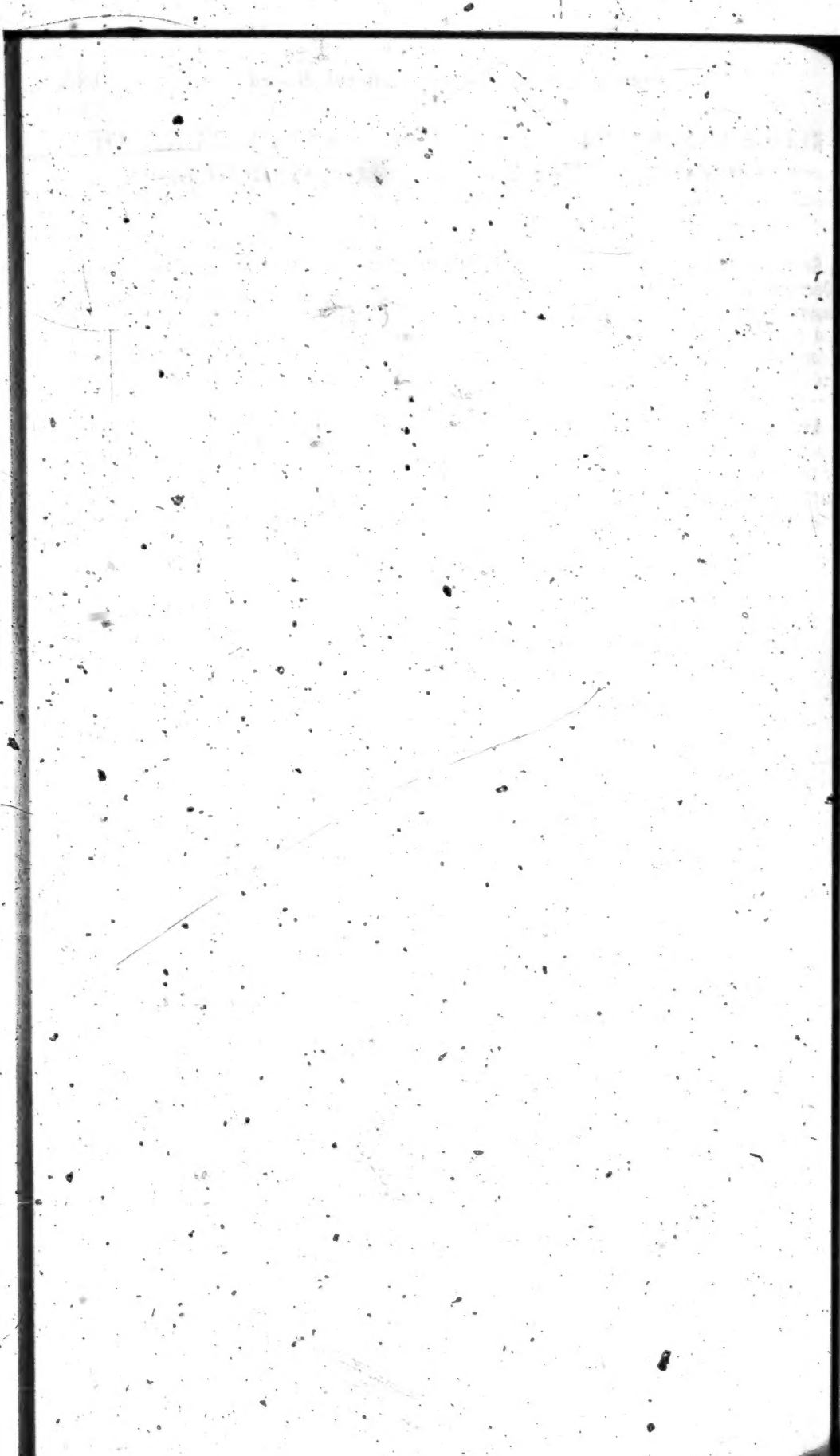
In order that the merchandise may be properly identified when it reaches the State Store, the distiller shall mark plainly on the package the release number as assigned by the Purchasing Division, and the name of the Distillery Certificate Broker.

**REGULATION 124 UNLAWFUL MANUFACTURE OF
LIQUOR; COMPENSATION TO INFORMERS**

(Effective June 26, 1952)

Section 124.01. Location of Illicit Stills; Arrest and Conviction of Operators.—The efficient administration of the Liquor Code requires the suppression of the unlawful manufacture of intoxicating liquor, and to that end the Pennsylvania Liquor Control Board will in its discretion pay for information leading to the location and seizure of illicit stills and the arrest and conviction of persons engaged in the operation of such stills.

Section 124.02. Compensation.—Compensation to informers shall be based in each case upon the gallon capacity of the illicit still seized by reason of the information furnished, and the amount of such compensation shall be fixed by agreement between the board and the informer but will be paid only after the seizure of such still by the duly constituted agents of the board.



REGULATION 125 SALES TO THE BOARD OF LIQUORS, OTHER THAN WINES

(Effective June 26, 1952)

Section 125.01. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

- A. "Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth.
- B. "Person" shall mean every natural person, association, or corporation.
- C. "Manufacturer" shall mean any person engaged in the manufacture, rectification, or compounding of liquors, other than wines, or any agent or representative of such manufacturer.
- D. "State, territory, or country of origin" shall mean the place where liquors other than wines, offered for sale to the board, are manufactured, rectified or compounded (prepared for the market).

Section 125.02. Sales to the Board.—Persons desiring to sell to the board, liquors other than wines not manufactured in this Commonwealth, shall make application for, and be granted, a Permit by the board before such liquor will be purchased from such persons. (Form of application will be furnished by the board). The fee for such permit shall be on a reciprocal basis, as provided in the Liquor Code. However, a licensed Pennsylvania Importer shall not be required to obtain such Permit if the liquor is wholly owned by the Importer. Persons holding Importer Licenses issued by the board who desire to sell to the board, liquors other than wine manufactured outside of this Commonwealth, and not wholly owned by the Importer, shall obtain a Permit and pay to the board such reciprocal fee, if any, if not previously paid by or for the manufacturer thereof.

REGULATION 126 OFFICIAL SEAL OF THE BOARD (DECALCOMANIA SEALS)

(Effective June 26, 1952; as amended June 5 1958)

Section 126.01. Seals to be Affixed to Bottles.—It shall be the duty of each vendor supplying liquor to the Pennsylvania Liquor Control Board to affix to all containers and bottles shipped to the board the official decalcomania seal of the board. By arrangement in advance, representatives of the board may affix the official decalcomania seal of the board to unsolicited special orders and to merchandise received from beyond geographical boundaries of the United States (foreign imports), and vendors supplying such merchandise will be invoiced at cost to the board, but not less than fifty cents (50¢) per case for this service.

Section 126.02. Seals to be Accounted for by Vendors.—Vendors receiving, using, affixing or otherwise disposing of any decalcomania seals provided for in this regulation shall be held strictly accountable for all such seals that come into the vendor's possession. No credit for losses or tolerance will be allowed unless and until audits of the vendors' seal accounts are made and/or adjustment of such accounts approved in writing by the board.

All damaged or mutilated decalcomania seals that vendors consider unusable for affixing to bottles shall be retained by the vendors for examination by authorized representatives of the board, and such seals shall be destroyed by such representatives if and when they are satisfied that the seals are unusable. Explanation for losses of seals not accounted for must be made to the satisfaction of the board.

Merchandise presealed in anticipation of its shipment to the board, and merchandise so sealed shipped to and returned by the board to vendors shall not be shipped by such vendors to any person or persons other than the board unless and until arrangements have been made with the board for the removal of and accounting for such seals. Seals shall not be removed from presealed merchandise for any reason whatever unless and until arrangements have been made with the board for the removal and accounting for such seals.

Vendors may furnish to manufacturers, wholesalers and bottlers of liquor supplying the liquor to such vendors for delivery to the board, decalcomania seals provided such seals are either transmitted by registered mail and Return Receipt Card retained, or delivered personally and receipt therefore obtained and retained by the vendors. All such Registered—Return Receipt Cards and personal delivery receipts shall be exhibited by the vendors to representatives of the board upon request.

Decalcomania seals sold to vendors furnishing liquor to the board shall be held and used by such vendors subject to the provisions of this regulation, and the board reserves the right to require the return of such seals as the board may deem unnecessary or when in the opinion of the board an excessive amount of seals are in the possession of vendors. The board will reimburse vendors for the cost price paid by them for all usable seals returned to the board.

Section 126.03. Records to be Maintained.—Each vendor coming into possession of Pennsylvania Liquor Control Board decalcomania seals will be required to keep true and accurate records of all seals received, and from whom received, and all seals affixed to bottles for shipment to the board; record of all shipments of sealed bottles to the board; records of all seals mutilated or lost in connection with bottling operations; seal losses for any

other reason whatsoever; and, all seals transferred to any subsidiary or any other agency authorized to receive them. These records shall be maintained currently, reported monthly or as otherwise required, and be available and subject to audit by authorized representatives of the board or the Auditor General at any time.

Section 126.04. *(As amended, June 5, 1958)* **Reports.**—Vendors receiving, using or affixing decalcomania seals shall file with the board monthly decalcomania seal reports and/or such other reports with respect to seals as the board shall from time to time prescribe. All such reports shall be made upon forms furnished by the board, and shall be signed and sworn to by the vendors or by their duly authorized agents. The monthly reports shall be filed with the board on or before the 15th day of the month immediately succeeding the month for which the report is prepared.

Section 126.05. Cost of an Annual Audit.—The full amount of the transportation and subsistence expenses of authorized representatives of the board, incurred in making an annual audit of seals of any vendor outside of this Commonwealth, shall be paid to the board by such vendor upon presentation of an invoice.

Section 126.06. Penalties.—Violation of any of the provisions of this regulation by a vendor shall be deemed sufficient cause for citation of such vendor and the suspension or revocation of his license and/or his sales permit, and/or the suspension of sales of the vendor's merchandise at Pennsylvania Liquor Stores for such period as the board shall determine.

REGULATION 127 PERSONAL PHOTOGRAPHS OF APPLICANTS, MANAGERS AND PHOTOGRAPHS OF PREMISES

(Effective June 26, 1952)

Section 127.01. Personal Photographs.—Two (2) photographs shall be required of all persons applying as individuals, members of a partnership, or principal officers of a corporation, for retail liquor licenses, except public service and club licenses; retail dispenser malt beverage licenses, except public service and club licenses; and distributor or importing distributor licenses. Applications for appointment of managers, shall not be considered unless accompanied by two photographs of the proposed manager. Personal photographs shall bear, on the back, the name of the individual and the address of the establishment, shall be at least 2" x 3" in size, unmounted, and taken within one year of the date submitted.

Two (2) photographs shall be required of all applicants for Registration as Agent. Photographs of the agent to be registered shall be 1½" square, unmounted, and taken within 30 days of the date of filing.

Section 127.02. Photographs of Premises.—Applications for new retail liquor or retail dispenser malt beverage licenses and all applications for transfer thereof, except public service licenses, shall be accompanied by four (4) photographs of the premises proposed to be licensed, two (2) photographs to be a view of the exterior of the building, showing the street number, if any, the other two (2) to be a view of the main serving room.

Applications for new distributor and importing distributor licenses and all applications for transfer thereof, shall be accompanied by two (2) photographs each of the exterior of the principal place of business and all additional storage warehouses, showing the street number, if any.

All photographs shall be at least 5" x 7" in size, unmounted, and shall bear on the back the name of the applicant and address of the establishment. If any material physical change is made to the exterior or interior of the licensed premises after the license has been issued, new photographs shall be required.

Section 127.03. Renewal of Photographs.—Personal photographs of licensees, principal officers of a corporation, except public service and club licensees; and managers of licensed establishments shall be renewed every three years. The new photographs shall be filed with the application for renewal of license at regular three year intervals.

Personal photographs of Registered Agents shall be renewed every year. New photographs, as required herein, shall be filed with each application for renewal of Registration of Agent.

REGULATION 128 SALES OF LIQUOR TO CHEMISTS AND MANUFACTURING PHARMACISTS

(Effective October 10, 1952)

Section 128.01. Requirement for Liquor.—Chemists and manufacturing pharmacists may, as herein prescribed, obtain through the State Stores at wholesale prices, or through the Bureau of Purchases of the board in Harrisburg, liquors customarily and actually used in the operation of their business.

Chemists, desiring to obtain liquor solely for experimental purposes from manufacturers or vendors within or outside this Commonwealth, shall apply to the board at Harrisburg, for permission, which will be granted or refused at the discretion of the board.

Section 128.02. Applications and Permits.—Every chemist and manufacturing pharmacist who desire to purchase liquors under this regulation shall apply to the board for a permit.

Application for such permit shall be made by and in the name of the owner, if a natural person; by an authorized partner, if a partnership; or, by a principal officer, if a corporation. Every application shall be accompanied by a permit fee of \$5.00, and shall set forth:

- A. The name under which the applicant's business is operated.
- B. The address, including street and number, of the applicant's principal place of business in this Commonwealth.
- C. The name and description of each product or process in which liquor is used.
- D. The name, type and quantity of liquor customarily and actually used in each product or process.
- E. Such other information as the board shall require.

Every application shall be verified by oath or affirmation of the applicant that the liquors described in the application are to be used solely for the listed purposes.

Upon receipt of the application in proper form, the board will in its discretion issue to such person a Wholesale Liquor Purchase Permit Card authorizing the purchase of the type or types of liquor required by him.

Such cards shall be subject to the provisions of Regulation 105, entitled: "Wholesale Liquor Purchase Permit Cards."

Permittees may purchase the liquor designated in their permits in either manner prescribed herein.

All permits herein described shall expire December 31, of the year in which issued and may be renewed upon the filing, not later than December 1, of an application for renewal, accompanied by the prescribed permit fee of \$5.00.

Section 128.03. Wholesale Sales at State Stores.—Upon presentation of the permit, such permittees may purchase liquor at wholesale from stock merchandise or through special order, at any State Liquor Store. Sales at wholesale will be made only in containers not exceeding one gallon each and will be at such rates as the board shall establish.

Section 128.04. Bulk Purchases.—Bulk purchases will be allowed under this regulation only in quantities of fifty (50) gallons or more per order

consisting of not less than twelve (12) gallons per type in containers of one gallon or larger capacity. Where operating conditions do not permit supplying such sizes, the board may, upon receipt of a written application setting forth satisfactory reasons, permit the use of smaller sizes. The board will not approve applications for sizes smaller than a gallon if the same brands are listed for sale in State Stores. Permittees shall place their orders with the Bureau of Purchases of the board at Harrisburg. Each order shall set forth:

- A. Name and address of the purchaser.
- B. Name and address of the person or firm to whom the order is directed.
- C. Brand name and/or description of the liquor desired.
- D. Manner in which the liquor is to be packed (size and number of containers).
- E. Manner in which the liquor is to be shipped—name of carrier (if the carrier is a trucking company, such carrier must hold a valid transporter-for-hire license issued by the board).
- F. Destination to which shipment is to be made.

Every order shall be accompanied by a remittance in the amount of \$2.00. The board will not be liable to any vendor for the purchase price of liquor purchased hereunder, nor for any transportation charges, or claims, in connection therewith.

Upon approval by the board of an order from a permittee, the order will be forwarded to the specified vendor who will be notified to make shipment to the Pennsylvania Liquor Control Board at the destination given in the order. The board will furnish such vendor with seals which shall be affixed by him to each container of the shipment to identify such container as a legal purchase in Pennsylvania.

The board will also furnish the purchaser with a Notice of Release in duplicate, both copies of which shall be signed by the purchaser and surrendered to the carrier upon delivery of the liquor. The carrier will sign the original in the space provided and forward it to the board in Harrisburg, retaining the other copy for his file.

The board reserves the right to inspect purchases made under this regulation, as well as all records covering transactions hereunder.

Section 128.05. Refusal of Board to Purchase Liquor, and Revocation of Permits.—The board may in any case refuse to purchase or import liquor for any permittee, or may revoke any permit issued under this regulation, if after notice and hearing it shall appear to the board that the permittee has used any liquor purchased under this regulation for any purpose other than that set forth in his application, or has violated any law of the Commonwealth or regulation of the board relating to liquor, malt or brewed beverage or alcohol. The action of the board in refusing to purchase liquor and/or revoking a permit, shall be final.

REGULATION 129 PROMOTION OF SALE OF LIQUORS BY VENDORS

(Effective November 2, 1964; Amended December 10, 1968)

Section 129.01. Definitions. The following words, unless the context clearly indicates otherwise, shall have the meanings hereinafter ascribed to them:

A. "Licensee" shall mean any person, partnership, association or corporation holding a Pennsylvania hotel, restaurant, club, or public service liquor license..

B. "Licensed Vendor" shall mean a natural person, partnership, association or corporation selling liquors to the Pennsylvania Liquor Control Board and holding a Pennsylvania Manufacturer's or Importer's License, or a Vendor's Permit.

C. "Vendor's Permit" shall mean a permit issued to a non-resident vendor under the provisions of Section 208 (j) of the Liquor Code, entitling such vendor to register agents in accordance with this regulation. An application for such permit shall be filed with the Board accompanied by a filing fee of \$20.00, permit fee of \$100.00 and an approved corporate surety bond in the penal sum of \$2,000.00. Such permit shall be issued for the calendar year.

D. "Agent" shall mean any individual employed and registered as herein provided by a Licensed Vendor to promote the sale of liquor through Pennsylvania State Liquor Stores, but no person who is a licensee as herein defined, or the holder of a malt or brewed beverage license, or an officer, director, agent or employee of either a licensee as defined or a malt or brewed beverage licensee, or who is not at least 21 years of age, a citizen of the United States, and of good repute, shall be eligible to be registered as an agent of any vendor under this regulation.

E. "Special Order Listing" shall mean the formal filing with the Board, on its prescribed form, of such information as the Board shall require as to brand, age, proof, type, blend, cost, etc., of liquors to be sold through the Special Liquor Order Division, but no such listing shall become effective until approved by the Board or its duly authorized representative.

F. "Stock Merchandise" shall mean any liquors which are obtainable at a State Liquor Store, without placing a special liquor order.

G. "Miniature" shall mean any container, as prepared by the manufacturer for the market, containing less than six (6) ounces of any liquor.

H. Other words and phrases used in this regulation shall have the meaning ascribed to them in the Liquor Code as amended, and if not defined therein shall have their usual and customary meanings.

Section 129.02. Registration of Agents.**A. Solicitation by Un-Registered Agents Prohibited**

No vendor shall employ agents, salesmen or solicitors to promote the sale of his products in this Commonwealth unless and until such agents, salesmen or solicitors have been registered with the Board in accordance with the provisions of this regulation and have been issued identification cards, as herein provided. No individual shall act as an agent, salesman or solicitor for any vendor in promoting the sales of such vendor's liquors in this Commonwealth unless and until he has been properly registered and has been issued such identification card.

B. Applications for Registration

A vendor of liquors to the Pennsylvania Liquor Control Board who desires to employ agents to call upon retail licensees and other persons to promote the sale of his brands of liquor through the State Liquor Stores and/or on special order, must be the holder of a Pennsylvania Manufacturer's or Importer's Liquor License, or a Vendor's Permit. Such vendor is then known as a "Licensed Vendor" and is eligible to register agents in accordance with this regulation. The "Licensed Vendor" shall make application for the registration of agents on the form provided by the Board, setting forth such information as the Board may from time to time require.

The application shall set forth the full address of the place where complete records are maintained covering the vendor's Pennsylvania operations. In the case of a Pennsylvania Manufacturer or Importer, such records shall be maintained within this Commonwealth. If, in the case of the holder of a Vendor's Permit, the records are maintained outside the Commonwealth, the application shall contain an agreement by the vendor that the records are, during all business hours, open to inspection and audit by representatives of this Board, and that the full amount of transportation and traveling expenses of such representatives incurred in making the inspection and/or audit outside this Commonwealth will be paid to the Board by such vendor.

With each vendor's application there shall be filed a "Statement of Agent" for each agent for whom registration is requested. This "Statement of Agent" shall be on the form provided by the Board and shall contain such information as the Board may from time to time require. Accompanying the "Statement of Agent" there shall be two unmounted photographs of each agent $1\frac{1}{2}$ " square and taken within thirty days of the date of filing.

The agent to be registered shall present himself for fingerprinting at any one of the Enforcement Offices of the Board located at Allentown, Altoona, Erie, Harrisburg, Philadelphia, Pittsburgh, Punxsunawing, Wilkes-Barre and Williamsport. The "Statement of Agent" and photographs must be submitted by the agent at this time. If the agent to be registered has been previously registered and fingerprinted as an agent as herein defined, the provisions of this paragraph may be waived and the application and photographs submitted directly to Harrisburg.

C. Filing Fee and Bond.

In order to register a new agent, a vendor shall be required to pay a filing fee of \$20.00. In the event the application for registration is refused the filing fee will be retained by the Board. All registrations shall expire December 31, of the year in which they become effective.

The application for registration of agents shall also be accompanied by an approved corporate surety bond (form to be furnished by the Board) in the penal sum of \$500.00 for each agent to be registered. Each bond shall be conditioned for the faithful observance by the registered agent of all the laws of this Commonwealth relating to alcohol, liquor and malt or brewed beverages and all the regulations of the Board.

D. Renewal of Registration

The registration of agent may be renewed for a period of one calendar year upon the filing by the Licensed Vendor of an application for renewal of registration, new surety bond and the payment of a filing fee of \$20.00. A "Statement of Agent" for each agent to be registered shall also accompany the application as shall new photographs of each agent, 2 1/4" square, taken within thirty days of the filing of the application. Applications for renewal of registration, accompanied by all the necessary forms, etc., shall be filed with the Board at the Harrisburg office not later than December 1, of each year.

Section 129.03. Privileges of Registered Agents. Agents properly registered by a Licensed Vendor and holding identification cards as herein provided, may advertise and promote the sale of stock merchandise by "missionary work" of only those brands sold to the Board by the vendor by whom said agents are registered. Missionary work may include the use of the "Agent's Order" form approved by the Board.

Agents may also solicit and obtain from retail purchasers orders for stock merchandise or gift certificates for stock merchandise.

Agents may also solicit and obtain from licensees or other persons, orders for those brands of liquor which have been listed with the Special Order Division, as herein provided, by the vendors by whom said agents are registered. All special orders obtained by the registered agents shall be filed with one of the State Liquor Stores as provided herein.

Section 129.04. Identification Cards - Individual Vendors and Registered Agents. No vendor shall personally solicit orders or promote the sale of his products unless he has submitted photographs of himself and has been issued an identification card, as herein provided for registered agents. No application, bond, or fee will be required for this card.

Upon approval by the Board of a Licensed Vendor's application for registration of agents, there shall be issued to such authorized agents, identification cards containing the name and address of the Licensed Vendor, and the name and physical description of the agent. There shall also be affixed to the identification card a photograph of the agent, and each card shall be countersigned by a representative of the Pennsyl-

vania Liquor Control Board. The identification card, if mailed, will be mailed by the Board to the applicant Licensed Vendor for delivery to the agent. The agent shall return the identification card to the Licensed Vendor when requested.

When the employment of any agent is terminated, the vendor shall immediately notify the Board on the form provided for cancellation and the identification card issued to the agent shall be surrendered to the Board. Liability on the bond which was filed, covering such agent, will be released for the balance of the registration period if the Board is satisfied that such agent has not within the past year, violated any of the laws of this Commonwealth relating to liquor, alcohol, or malt brewed beverages, or any regulation of the Board.

Section 129.05. Refusal and Cancellation of Registrations. The Pennsylvania Liquor Control Board reserves the right to refuse any application for registration of agent. A Licensed Vendor may request the cancellation of any of his or its agent's registration by returning the identification card and order books (or notice of transfer of books) issued to the agent, together with a written request for such cancellation on the form provided by the Board. Forms will be furnished upon request to the Bureau of Licensing, Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania. The Board will, in its discretion, cancel the registration so requested, and if cancelled, issue a release from subsequent liability on the surety bond originally filed, provided there has been no breach of the conditions of said bond.

Section 129.06. Special Order Listings. No brand of liquor shall be accepted for Special Order Listing under this regulation unless and until such brand conforms with the Board's requirements for listing of stock merchandise.

All listings of liquor, except wine, shall be limited to case quantities containing not less than 240 fluid ounces unless specially authorized by the Board. Listings of wines and liquors in quarts will not be accepted if $\frac{4}{5}$ quarts of the same brand are sold as stock merchandise. Also, listings in $\frac{4}{5}$ quarts will not be accepted if the same brand is sold in quarts as stock merchandise. Other listings shall be at the discretion of the Board.

If a vendor has a brand of liquor except wine listed as stock merchandise, the Board will not accept for listing by him under this regulation any other brand of the same class, unless the cost to the Board is at least \$3.00 per case more than the cost of the brand listed as stock merchandise, except when specially authorized by the Board.

For the purpose of this regulation, change of proof or age shall not be considered as a different class except when such change in proof or age causes a change in class under Federal law or regulations.

If a vendor has a brand of liquor except wine, listed as stock merchandise and stocked in the State Stores in two bottle sizes, he may list the same brand in a third bottle size on special order under this regulation unless specially authorized by the Board.

If a vendor has any stock listed brand of United States wine selling at the lowest price; then the Board will not accept from him for Special Liquor Order Listing another brand of the same type that would sell for the same or lower price.

No listing of combination cases or assortments containing whiskies or dry gins will be accepted or considered by the Board. No listing shall be effective, nor shall prices be quoted, nor orders solicited therefor, until such listing has been approved by the Board and the selling prices formally released, in writing, to the vendor. The cost prices upon which such selling prices are based, shall not become effective until the aforementioned selling prices are released.

The Board reserves the right to cancel at any time any special order listing, or to list any brand or brands of liquor as stock merchandise.

It is the intent of this regulation that vendors shall not compete on special order with items sold to the Pennsylvania Liquor Control Board as stock merchandise.

Section 129.07. Order Books. Upon approval of the Licensed Vendor's application for registration and the issuance of identification cards to his registered agents, the Board, upon request, will issue to such Licensed Vendor order books for himself and his registered agents, in which each special order for liquors shall be entered. Each agent's order shall be prepared in quadruplicate and shall bear the signature and address of the person from whom the order is obtained, and the signature of the registered agent. In the case of a licensee, the order shall in addition set forth the license number. The agent's original order shall be forwarded by the Licensed Vendor or his registered agent to a State Liquor Store not later than the next business day after the order is obtained. One copy of the order shall be furnished by the vendor or his registered agent to the person from whom the order is obtained; one copy shall be retained by the Licensed Vendor for his records; and, the other copy shall remain in the agent's order book. When the order book of an agent has been filled, it shall be returned to the Pennsylvania Liquor Control Board at Harrisburg. The Board reserves the right to examine any records of any Licensed Vendor and/or his registered agents pertaining to all transactions under this regulation.

Upon cancellation of an agent's registration, partially used order books may be assigned to and used by another agent of the same vendor after written request to, and approval by, the Special Liquor Order Division of the Board at Harrisburg.

Licensed Vendors shall pay to the Pennsylvania Liquor Control Board the sum of \$1.00 for each order book furnished to them, such order books to contain fifty (50) sets of order blanks. A Licensed Vendor shall not be entitled to have in his possession at any one time more than four (4) order books for each agent registered with the Board.

Section 129.08. Special Orders - Requirements and Conditions. All agent's orders obtained in accordance with the provisions of this regulation and presented by Licensed Vendors or their registered agents to State Liquor Stores, for and on behalf of licensees, shall be filed at the

established wholesale case prices prescribed by the Board for sales to licensees. Provided, however, that the wholesale prices shall apply only if the retail value of the order equals or exceeds the minimum retail value established by the Board for obtaining licensee's discount.

All agent's orders presented at State Liquor Stores by registered agents on behalf of other than licensees, shall be at the established retail Special Liquor Order prices. No order shall be taken for less than case quantities as hereinbefore provided.

A Licensed Vendor or his or its registered agents, shall not obtain or accept an order from either a licensee or other person under this regulation unless there is obtained from the licensee or other person at the same time, a sum not less than the amount required by the Board for deposit on Special Order sales under the Liquor Code (now 25%). State Liquor Stores may, at the time of receiving the agent's order and/or the releasing of the liquor at such stores to the purchaser thereof, accept checks of licensees in payment.

A LICENSED VENDOR OR HIS REGISTERED AGENT SHALL NOT EXTEND CREDIT TO A LICENSEE OR ANY OTHER PERSON.

Unless specially authorized by the Board, no liquor, except wine, shall be delivered to the Board unless each bottle or container has attached to it the official seal of the Board.

Section 129.09. Special Orders - Restrictions. Licensed Vendors and their registered agents shall not place Special Orders for liquor at State Liquor Stores unless they have agents' orders, prepared on the prescribed agents' order book forms, and signed by the licensee or his or his duly authorized agent, or in the case of a retail sale, by the customer.

Except by special permission of the Board, no special order merchandise sold under this regulation shall be delivered to any State Liquor Store until the Licensed Vendor has received from the Board a formal purchase order calling for delivery of such liquor. Each case of liquor so delivered shall have clearly marked thereon, in addition to the information required by Federal or State regulations, the purchase order number, the store order number, the brand and size, the code number called for in the purchase order, and such other information as the Board may prescribe.

Liquor sold to licensees will be released only at the State Store, to the State Store, to the licensee or his agent named on the licensee's Wholesale Purchase Permit Card.

Special orders placed by a licensed vendor or his registered agent for a retail customer may be released by the State Store to said vendor's registered agent for delivery to the retail customer.

Section 129.10. Special Orders for Miniatures, Etc. Orders for miniatures of liquor will not be accepted either by the Board or the State Liquor Stores from licensees or other persons. Orders from licensees for half-pints of liquor, except wine, will not be accepted,

Section 129.11. Samples. A registered agent of a Licensed Vendor shall not be permitted to use as samples during any calendar month more than one case of each brand of liquor sold by such vendor to the Board. Such samples of liquor shall be purchased only through the Board, and upon payment to the Board of a sum equal to the cost price to the Board plus 25 per cent and any taxes that may be required. The purchase of samples at retail in any State Store is prohibited. A separate order for samples shall be placed for each registered agent, and the agent's name shall appear on the order. No order shall be filled for more than one case of each brand per agent, and no agent shall have in his possession at any time more than one case of each brand; except that the vendor or vendor's authorized supervisor may be permitted to purchase and distribute to his registered agents the herein prescribed allotment for all such agents under his supervision. The vendor shall, upon request, file with the Board a statement setting forth the name of his or its authorized supervisor, together with the territories and names of all registered agents under his supervision.

The samples hereinbefore mentioned shall be restricted in size to half pints of distilled spirits, and to half bottles or smaller sizes of wine, except where operating conditions do not permit supplying such sizes. In such cases, the Board may, upon proper application filed with it setting forth satisfactory reasons, permit the use of other sizes as samples. All such sample bottles, before leaving the custody of the State Store shall have affixed thereto a separate label, or lettering on the commercial label, at least one-quarter inch high, reading:

"SAMPLE. NOT TO BE SOLD. POSSESSION OF THIS BOTTLE BY LICENSEE UNLAWFUL."

Each Licensed Vendor shall keep a permanent stock ledger record of all the samples so purchased by him, and the names of the agents to whom samples were issued, together with the quantity and brand. Each authorized supervisor of a vendor shall keep in his office in Pennsylvania, a permanent stock ledger record of all samples purchased by him and distributed by him to his registered agents as provided in this section. A requisition shall be prepared for each package removed from sample stock, which requisition shall bear the signature of the agent receiving the merchandise.

Section 129.12. Unsolicited Special Orders. Nothing in this regulation shall affect or apply to unsolicited Special Liquor Orders as provided in the Liquor Code as amended, except the prohibition covering acceptance of orders for miniatures and/or half-pints of liquor, deposit required, and the minimum case quantity.

Section 129.13. Use of Stock Merchandise Request Forms. Agents engaged in missionary work, promoting the sale of stock merchandise, may use the "Agent's Order" form PLCB-115, to assure the availability of any merchandise requested by licensees in full case lots. Licensed Vendors may obtain supplies of this form for distribution

to their agents from the Bureau of Purchases, Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania, at a cost of \$1.00 per book.

All required information must be furnished and the completed forms must be directed to the State Store from which the licensee will purchase the merchandise. Only requests for full cases received at the store by mail or delivered to the store by a retail licensee will be accepted. Licensed Vendors or their agents shall not deliver such requests to a State Store.

Vendors or their agents shall not accept any cash deposit on stock merchandise requests.

The use of this form is restricted to promotional work with retail licensees.

Section 129.14. Vendor Agent's Authorization to Purchase for Retail Customers. Registered Vendor Agents by using Form PLCB-115 - Vendor Agent's Authorization to Purchase, may purchase stock merchandise or gift certificates for stock merchandise for retail customers.

Licensed Vendors may obtain supplies of this form for distribution to their agents from the Bureau of Purchases, Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania at a cost of \$1.00 for a book of fifty (50) order sets.

When a retail customer has signed this form, it may be presented by the agent to any Pennsylvania State Store as authorization for the agent to purchase for the customer either stock merchandise or gift certificates for the quantity and brand specified by the customer.

Section 129.15. Unlawful Acts. Section 491, sub-section 14, and Section 493, sub-sections 22, 23 and 24 of the Liquor Code, provide that certain practices in connection with the sale of liquor shall be unlawful. Although not limiting the scope of the statutory provisions, the following practices are in violation of one or more of these sections:

- A. To grant, allow, pay or rebate any cash, merchandise or any other thing of value, to any licensee, their servants, agents, or employees, including the purchase of merchandise at retail for delivery to a licensee; to grant, allow or pay anything of value to a licensee, their servants, agents, or employees, for the privilege of advertising display; to purchase drinks "for the house" to induce the purchase of merchandise.
- B. To visit State Stores or warehouses or directly or indirectly contact the store or warehouse employees for the purpose of promoting the sales of merchandise.
- C. To solicit or induce PLCB personnel to promote the sale of particular brands.
- D. To apply at State Stores, or of store personnel, for information to Stores' merchandise inventories.
- E. To furnish entertainment or to offer gratuities to PLCB personnel.
- F. To grant, allow or pay money or anything of substantial value (which includes tips) to licensees, their servants, agents or employees, to induce the sale of merchandise.

- G. To represent, expressly or by implication, that he is connected with any department of the State Government or has any influence therewith.
- H. To repurchase, replace or exchange any liquors purchased by licensees or other persons from State Stores. Defective liquors will be replaced only by the State Store from which such liquor were purchased, in accordance with Board Procedure.

Section 129.16. Agency Provisions. Licensed Vendors and their registered agents shall, under this regulation, for all intents and purposes except as herein restricted, be considered the agents of the persons from whom they obtain special liquor orders. Neither the Commonwealth nor the Pennsylvania Liquor Control Board will be responsible for the proper disposition of any moneys collected from a licensee or other person by a Licensed Vendor or his agents. Under no circumstances shall the Commonwealth or the Liquor Control Board be responsible for any actions of a Licensed Vendor or his agents under this regulation.

Section 129.17. Records. Every Licensed Vendor shall maintain for two (2) years complete and accurate records covering all operations in Pennsylvania, which shall be open to inspection by representatives of the Board. These records shall include salaries or commissions of all registered agents and other employees working in Pennsylvania, expenses of such employees supported by detailed vouchers, all promotional and advertising expenditures, special order sales, and Stock Merchandise Requests.

All vendor's agents operating in Pennsylvania, whether licensed or not, shall maintain complete and truthful records covering their operations in Pennsylvania, which records shall be open to inspection by representatives of the Board.

Section 129.18. Liability of Vendor. In the absence of persuasive evidence to the contrary, it will be presumed by the Board that any representative of a vendor who violates this regulation acts with the consent and knowledge of the vendor, and/or his employer, and penalties will be fixed accordingly on agent, vendor and/or employer.

Section 129.19. Penalties - Forfeiture. Upon learning of any violation of this regulation or of any other regulation promulgated by the Board, or of any laws of this Commonwealth relating to liquor, alcohol, or malt or brewed beverages by any Licensed Vendor, or registered or unregistered agent or upon any other sufficient cause shown, the Board may, within one year from the date of such violation or cause appearing, cite such licensed Vendor or registered agent, or both, to appear before it or its examiner not less than ten (10) nor more than fifteen (15) days from the date of sending such Licensed Vendor or registered agent, by registered mail, a notice addressed to the vendor and/or the

registered agent, at the address filed with the Board, to show cause why the license, permit and/or registration(s) should not be suspended or revoked. And, upon such hearing, if satisfied that any such violation has occurred, or for other sufficient cause, the Board may suspend or revoke such licenses, permits and/or registration(s), notifying the Licensed Vendor or registered agent by registered mail, addressed to the vendor and/or the registered agent, at the address filed with the Board. When the license, permit and/or registration(s) is revoked, the bond filed with the application for such license, permit and/or registration(s) may be forfeited and the full amount of such bond or any part thereof may be fixed as a penalty and collected by the Board. Any Licensed Vendor or registered agent whose license, permit or registration has been revoked shall be ineligible to hold any license, permit or registration under this or any other regulation of the Board or any law of this Commonwealth relating to liquor, alcohol, or malt or brewed beverages until the expiration of three (3) years from the date such license, permit or registration was revoked. The action of the Board shall be final.

REGULATION 130 IMPORTATION OF LIQUOR ON BEHALF OF RESIDENTS OF PENNSYLVANIA IN CERTAIN CASES

(Effective June 26, 1952)

Section 130.01. Types of Importations.—

A. Gift Liquor

Liquor given to persons residing in Pennsylvania by non-residents thereof, may, in the discretion of the Liquor Control Board, be imported into Pennsylvania in the manner hereinafter provided in this regulation.

B. Liquor Dividends

Liquor representing a liquor dividend to stockholders of a distillery located outside of Pennsylvania, may, in the discretion of the Liquor Control Board in the manner hereinafter provided in this regulation, be imported into Pennsylvania for stockholders of such distillery resident in this State.

C. Liquor Allotted to Stockholders of a Distillery Under Purchase Privilege Plan

Liquor allotted to its stockholders under a purchase privilege plan, by a distillery located outside Pennsylvania, may, if such liquor is not stocked in Pennsylvania Liquor Stores, be imported into Pennsylvania, in the discretion of the Liquor Control Board and in the manner hereinafter provided in this regulation, for the distillery's stockholders resident herein.

D. Heirs and Legatees

Liquor owned and possessed outside Pennsylvania by a resident or a non-resident decedent passing to a resident of Pennsylvania by will or intestacy, may, in the discretion of the Liquor Control Board, be imported into Pennsylvania for and in behalf of the beneficiary in the manner hereinafter provided in this regulation.

E. Liquor Purchased Prior to January 1, 1934

Liquor purchased outside Pennsylvania prior to January 1, 1934, by residents of this State for purposes other than resale, may, in the discretion of the Liquor Control Board be imported into Pennsylvania for such residents in the manner hereinafter provided in this regulation.

F. New Residents of Pennsylvania

Upon the establishment of residence in Pennsylvania by persons residing outside this State, liquor owned and possessed by them in their foreign residence for personal use, may, in the discretion of the Liquor Control Board, be imported into Pennsylvania for such residents in the manner hereinafter provided in this regulation.

G. Confiscated Liquor for Hospitals

Hospitals desirous of obtaining legal possession of confiscated liquor, offered by Federal authorities or granted to them by the courts of this Commonwealth, shall make written application to the board for its official seals to be affixed to the containers not bearing such seals, and for permission to import the liquor if located outside of Pennsylvania. Written application must include the number and size of bottles and the brand of liquor, the address of the Federal Supply Service office and the federal transfer number.

Section 130.02. Application.—Except as otherwise provided for confiscated liquor for hospitals or for the importation of liquor allotted to stockholders of a distillery under a purchase privilege plan, every resident of Pennsylvania desiring to obtain liquor outside this State, under the provisions of this regulation, shall file with the Liquor Control Board an application, which shall set forth:

- A. Name and address of the applicant.
- B. Name and address of persons or firm from whom the liquor is to be received.
- C. Whether the liquor is a gift, a dividend, a bequest or a purchase.
- D. Description of the liquor, including the brand name, size and number of bottles.
- E. Name and address of the transporter (if the transporter is a trucking company, such transporter shall hold a valid Transporter-for-Hire license issued by the board).

The Liquor Control Board reserves the right to request any additional information it may deem necessary.

Every application involving more than 1 quart of spirituous liquor, or more than 1 gallon of wine shall be verified by oath or affirmation of the applicant. Every application shall, in the case of a gift, dividend or bequest, specifically state that the liquor was not obtained by the applicant by purchase or for a consideration of any kind and that the donee is at least 21 years of age. In the case of a purchase, the affidavit shall also set forth the date of purchase and that the liquor is not for resale.

Section 130.03. Service Charge.—Every applicant hereunder, except a Hospital applying under Section 130.01 G, shall at the time of filing the application, pay to the Liquor Control Board a service charge at the rate of twenty-five cents (25¢) per gallon or fraction thereof. All service charges authorized under this section shall be paid to the Liquor Control Board in cash, money order, certified or cashier's check, and shall be paid by the said board into the State Stores Fund.

Section 130.04. Consent Certificate.—Upon receipt of the application and the proper service charge, and upon being satisfied of the truth of the statements in the application, the Liquor Control Board will in its discretion grant and issue to the applicant a Consent Certificate permitting the importation of the liquor designated therein and entitling the applicant to obtain, in the manner hereinafter set forth, such liquor from the transporter or the authority in custody thereof.

Section 130.05. Release of Liquor.—Upon the arrival of the liquor in Pennsylvania for the holder of a Consent Certificate under this regulation, the Liquor Control Board will furnish him with a Notice of Release in duplicate, both copies of which shall be signed by the holder of the certificate and surrendered to the carrier for delivery of the liquor. The carrier will in turn sign the original in the space provided and forward it to the Liquor Control Board at Harrisburg. Before the Notice of Release will be furnished, the holder of the Consent Certificate must present to the Liquor Control Board a certificate from the Department of Revenue evidencing the payment of the requisite Pennsylvania Spirituous and Vinous Liquor tax upon such liquor and proof satisfactory to the Liquor Control Board of the payment of all transportation and other charges, if any, against the shipment.

The Liquor Control Board will furnish official board seals, which will be affixed to each bottle of liquor by an officer or employe of the board.

Section 130.06. Liquor to be Shipped in Care of the Liquor Control Board.—All shipments of liquor authorized under this regulation shall be consigned to the holder of the Consent Certificate in care of the Liquor Control Board. Any shipments consigned otherwise shall for all intents and purposes be considered in the constructive possession of the Liquor Control Board until released by the said board to the holder of the Consent Certificate.

Section 130.07. Procedure for Importation of Liquor Allotted to Pennsylvania Stockholders Under Purchase Privilege Plan.—Liquor allotted by a distillery located outside Pennsylvania to its stockholders under a purchase privilege plan, may, in the discretion of the Liquor Control Board, be acquired and possessed in this State by Pennsylvania stockholders of such distillery (except the holders of hotel, restaurant and club liquor licenses, who, under the law, are prohibited from being stockholders), in the following manner.

Every such Pennsylvania stockholder desiring to acquire and possess in this State liquor allotted such stockholders under a purchase privilege plan, shall fill out, sign and file with the Liquor Control Board at Harrisburg, Pennsylvania, a Special Liquor Order Form (PLCB-110) for the said liquor, designating in said order the Pennsylvania Liquor Store at which delivery of the liquor is to be made, and shall also file therewith a true and correct copy of the completed order form required under the purchase privilege plan, to be transmitted by the stockholder to the distillery or its trustee, containing, inter alia, the number of cases of liquor to be purchased and the cost price thereof to the stockholder. (Special Liquor Order Form PLCB-110 will be furnished by the Liquor Control Board upon application therefor at Harrisburg.)

Upon receipt of the Special Liquor Order and the copy of the stockholder's order to the distillery or its trustee, the Liquor Control Board if it accepts the Special Liquor Order will so notify the stockholder, and, if under the purchase privilege plan the said board cannot make the actual purchase of the liquor, permission will be given to the stockholder to do so and to authorize delivery of the liquor to the Liquor Control Board at the liquor store designated in the Special Liquor Order, provided all transportation charges are prepaid by the shipper.

Special Liquor Orders filed under authority of this regulation shall be subject to the Liquor Control Board's markup and any Emergency State Tax, but where the liquor is purchased by a stockholder under a purchase privilege plan the cost price of the liquor to such stockholder shall be the basis for the Board's markup. In addition to the Liquor Control Board's markup and any Emergency State Tax, the stockholder shall be required to pay all taxes (except the Pennsylvania Spirituous and Vinous Liquor Tax), expenses and charges, if any, due upon delivery of the liquor to the board, and the cost of board seals to be attached to each bottle of liquor at the rate of twenty-five cents (25¢) per case.

If, as, and when the liquor is delivered to the board, the stockholders will be notified of its arrival and requested to pay all taxes, charges and expenses, if any, due on such liquor or its shipment. Unless the stockholder makes full payment thereof and accepts delivery of the liquor within five (5) days after notice of its arrival, the Liquor Control Board will, in its discretion, place such liquor in stock for general sale through its stores upon payment to the stockholder of the actual cost price of the liquor to him under the purchase privilege plan.

The Liquor Control Board will not be liable for non-delivery of the liquor by the distillery or its trustee, loss of or damage to the liquor in transit

through breakage, pilferage or any other cause, and the stockholder shall assume any and all risk until the liquor is actually delivered to the stockholder.

Section 130.08. Distillery Bonded Warehouse Certificates.—Distillery Bonded Warehouse Certificates, evidencing the ownership of liquor, are excepted from this regulation, as the sale, purchase and possession of such certificates is subject to the provisions of Article VII of the Liquor Code.

Section 130.09. Miscellaneous Provision.—No liquor will be imported under the provisions of this regulation except liquor in bottles properly labelled, and upon which all Federal liquor taxes have been paid. Such liquor shall be for personal use only and shall not be sold in this State except by the Liquor Control Board. All importations of liquor hereunder shall be at the risk of the applicant.

Section 130.10. Pennsylvania Distillers and Importers.—This regulation shall not apply to or affect in any way the rights and privileges of distillers and importers, duly licensed by the Pennsylvania Liquor Control Board, under the provisions of the Liquor Code.

REGULATION 131 IMPORTATION, TRANSPORTATION AND POSSESSION OF LIQUOR PURCHASED IN A FOREIGN COUNTRY

(Effective October 4, 1961)

Section 131.01. Statutory Provision.—The Liquor Code (Act of April 12, 1951, P. L. 90) as amended by Act No. 381, approved by the Governor on July 26, 1961, permits any person to import into Pennsylvania, transport or have in his possession one gallon of liquor upon which a state tax has not been paid and the package containing the liquor does not bear the official seal of the board, if it can be shown to the satisfaction of the board that such person purchased the liquor in a foreign country and was allowed to bring it into the United States duty free.

The aforementioned amendatory act does not prescribe the nature or kind of proof to satisfy the board, as aforesaid, and therefore it is provided, as follows:

Section 131.02. Proof Required.—Any person who possesses or transports, in Pennsylvania, not in excess of one gallon of liquor claimed by such person to have been purchased by him in a foreign country shall, upon request of the board, submit documentary evidence, as follows:

- (1) The stub or receipt for passage on the railroad, bus, steamship or airplane, or hotel receipt, or other satisfactory evidence to prove the foreign travel.
- (2) A receipt evidencing the purchase of the liquor personally by such person while in such country.
- (3) An affidavit by such person that he was allowed to bring the liquor into the United States duty free.

Section 131.03. Imports in Excess of One Gallon Per Person.—If the quantity of liquor being imported is in excess of the permitted one gallon, the excess will be subject to the board's mark-up, and state taxes, calculated in the usual manner.

REGULATION 132

(Rescinded August 30, 1965)

REGULATION 133 BREWERY LICENSES

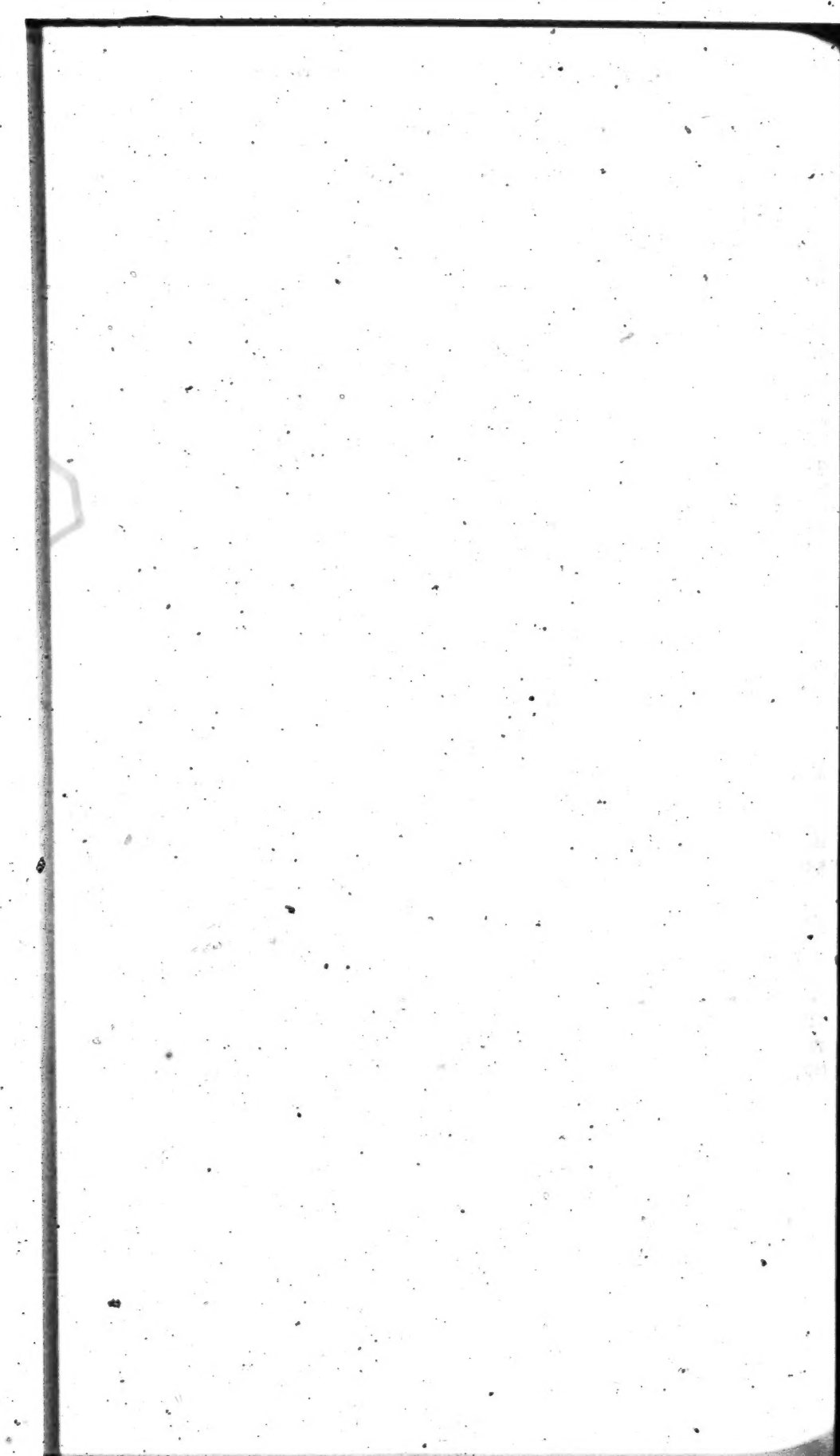
(Effective June 26, 1952; As amended April 1, 1962 and August 29, 1966)

Section 133.01. Records.—Every manufacturer of malt or brewed beverages holding a license issued by the Liquor Control Board shall maintain and keep on the licensed premises for a period of at least two (2) years daily records showing the following information:

The purchase and receipt of all raw materials used in the manufacturing of malt or brewed beverages together with the name and address of the person from whom purchased; the quantity of raw material used in the manufacturing of malt or brewed beverages together with the quantity produced from those raw materials; the withdrawal of all finished malt or brewed beverages showing the number and size of all containers; the quantity of Federal Tax paid malt or brewed beverages withdrawn for bottling together with the quantity and size of cases bottled; the quantity and size of all tax paid or non-tax paid malt or brewed beverages used for consumption on the premises; the quantity and size of all containers removed from the licensed premises either for personal consumption or other purposes together with the name and address of person for whom removal is made; sales invoices showing name, address, quantity and size of all containers, cost of malt or brewed beverages, deposits collected on all returnable containers, refunds paid or credited and net amount of invoice; a sales register showing the total quantity by size of container, the cost of malt or brewed beverages, deposits collected on all returnable containers, refunds paid or credited and net amount of cash for each day's business; a cash book showing all cash received; a disbursement record showing amount of all cash disbursements together with the name of the person to whom paid, such disbursements shall be supported by invoices or memoranda; a record of all salesmen's expenses showing cost of travel, lodging, subsistence and promotional expenses. All promotional expenses must be broken down to show place and amount expended.

Federal reports showing any of the aforementioned information will be satisfactory record. Such Federal reports will be subject to the same inspection and control as any other records required by the board.

Section 133.02 *(As amended April 1, 1962 and August 29, 1966)*
Monthly Reports.—All manufacturers of malt or brewed beverages licensed by the board shall file with the board each month, reports on Forms RCB-47, RCB-48 and RCB-49. Such report shall be signed and sworn to by the licensee or his duly authorized agent and shall be filed with the board on or before the fifteenth day of the month immediately succeeding the month for which the report is prepared. A copy of each report shall be retained by the licensee for a period of two (2) years.



REGULATION 134 BONDED WAREHOUSE LICENSES

(Effective June 26, 1952)

Section 134.01. Storage.—The holder of a Bonded Warehouse License may receive and store "In Bond" (A) Alcohol or liquor legally manufactured in Pennsylvania; (B) Liquor legally imported into Pennsylvania by Pennsylvania Licensed Importers; (C) Alcohol legally imported into Pennsylvania by the holder of an "AB Permit" issued by the Pennsylvania Liquor Control Board.

Where alcohol or liquor is to be received for deposit "In Bond" from a distillery not on the same or contiguous premises, or from another Internal Revenue Bonded Warehouse, approval of transfer must be obtained from the Pennsylvania Liquor Control Board on forms furnished by the board.

Where alcohol and liquor is to be received for deposit "In Bond" from a distillery on the same or contiguous premises, no approval from the Pennsylvania Liquor Control Board is necessary.

Section 134.02. Records.—Daily records shall be maintained on the licensed premises for a period of two (2) years. Such records shall show:

A. Receipts

The name of producer and location of Distillery where produced; name and address of bonded warehouse from which transferred; name and address of the owner for whom stored; type, whether alcohol, whiskey, etc.; type and number of containers; quantity in proof gallons (tax gallons); and, warehouse certificates issued; must be included.

B. Shipments

The name and address of person to whom shipped; type, whether alcohol, whiskey, etc.; type and number of containers; quantity in proof gallons (tax gallons); name and address of person from whose inventory the alcohol or liquors were withdrawn; and, warehouse certificate numbers cancelled; must be included.

Withdrawals In Bond shall show the original proof gallons (tax gallons). Tax Paid withdrawals shall show the regauged proof gallons (tax gallons) and losses in regauging.

C. Transfer of Ownership of Warehouse Certificates

When the alcohol or liquors are not removed from the Bonded Warehouse any transfer of ownership of warehouse certificates shall be recorded showing the name of person from whom transferred, the name and address of the person to whom transferred, together with the type of alcohol or liquor, type and number of containers and proof gallons (tax gallons), the warehouse certificate cancelled and the warehouse certificate issued to the new owner.

Section 134.03. Reports.—All Bonded Warehouse Licensees shall, on or before the 15th day of each month, file with the Pennsylvania Liquor Control Board, monthly reports together with necessary supporting schedules, covering the operations of their licensed business during the preceding month. Such reports shall be on forms provided by the board. A copy of each such report shall be retained on the licensed premises for a period of two (2) years.

REGULATION 135 SALES OF LIQUOR TO NON-BEVERAGE MANUFACTURERS. (OTHER THAN MANUFACTURING PHARMACISTS)

(Effective October 10, 1952)

Section 135.01. Requirement for Liquor.—Chemists and manufacturing pharmacists may obtain their liquor requirements under the provisions of Regulation 128.

Persons who manufacture any product wherein liquor (distilled spirits and wine) is used and changed into other chemical substances and does not appear in the finished product as liquor, may obtain necessary liquor for such use in the following manner:

- A. Purchases at State Stores from stock merchandise or on special liquor order. (No permit needed.)
- B. Purchases under authority of a Bulk Purchase Permit in quantities of fifty (50) gallons or more in containers of one gallon or larger capacity, except where operating conditions do not permit supplying such sizes.

Section 135.02. Application and Permit.—Application for a Bulk Purchase Permit shall be made by and in the name of the owner, if a natural person; by an authorized partner, if a partnership; or, by a principal officer, if a corporation. Every application shall be accompanied by a permit fee of \$5.00 and shall set forth:

- A. The name under which the applicant's business is operated.
- B. The address, including street and number, of the applicant's principal place of business in this Commonwealth.
- C. The name and description of each product or process in which liquor is used.
- D. The name, type and quantity of liquor customarily and actually used in each product or process.
- E. Such other information as the board may require.

Every application shall be verified by oath or affirmation of the applicant that the information therein is true and correct, and that the liquors set forth in the application will be used solely for the listed purposes.

Upon receipt of the application in proper form the board will, in its discretion, issue a Bulk Purchase Permit, authorizing the purchase of the required type or types of liquor. All permits shall expire December 31 of the year in which issued and may be renewed upon the filing not later than December 1 of an application for renewal accompanied by the prescribed permit fee of \$5.00.

Section 135.03. Bulk Purchases.—Bulk purchases will be allowed under this regulation only in quantities of fifty (50) gallons or more per order consisting of not less than twelve (12) gallons per type, in containers of one gallon or larger capacity. Where operating conditions do not permit supplying such sizes, the board may, upon receipt of a written application setting forth satisfactory reasons, permit the use of smaller sizes. The board will not approve applications for sizes smaller than a gallon if the same brands are

listed for sale in State Stores. Permittees shall place their orders with the Bureau of Purchases of the board at Harrisburg. Each order shall set forth:

- A. Name and address of the purchaser.
- B. Name and address of the person or firm to whom the order is directed.
- C. Brand name and/or description of the liquor desired.
- D. Manner in which the liquor is to be packed (size and number of containers).
- E. Manner in which the liquor is to be shipped, including name of carrier. (If the carrier is a trucking company, such carrier must hold a valid transporter-for-hire license issued by this board).
- F. Destination to which shipment is to be made.

Every order shall be accompanied by a remittance in the amount of \$2.00. The board will not be liable to any vendor for the purchase price of liquor purchased hereunder nor for any transportation charges or claims in connection therewith.

Upon approval by the board of an order from a permittee the order will be forwarded to the specified vendor who will be notified to make shipments to the Pennsylvania Liquor Control Board at the destination given in the order. The board will furnish such vendor with seals which shall be affixed to each container of the shipment to identify such container as a legal purchase in Pennsylvania.

The board will also furnish the purchaser with a Notice of Release in duplicate, both copies of which shall be signed by the purchaser and surrendered to the carrier upon delivery of the liquor. The carrier will sign the original in the space provided and forward it to the board in Harrisburg, retaining the other copy for his file.

Section 135.04. Use of Liquor.—All liquor purchased under authority of this regulation shall be used only in the specified manufacturing process or in the manufacture of the specified product and may not be used for any other purpose whatsoever.

Section 135.05. Records.—Each permittee shall maintain for a period of two (2) years records showing all purchases of liquor under authority of their permit and all withdrawals. The withdrawal record shall indicate the quantity withdrawn and actually used in the particular product or process. The board reserves the right to inspect the premises of the permittee and examine the records. Such inspection may be made at any time when the establishment is open for business.

Section 135.06. Refusal to Purchase Liquor and Revocation of Permit.—The board may refuse to approve the purchase of liquor by any permittee or may revoke any permit issued under this regulation if it shall appear that the permittee has used any liquor purchased under this regulation for any purpose other than that set forth in his application or has violated any law of the Commonwealth or regulation of the board pertaining to alcohol, liquor or malt or brewed beverages. The action of the board in refusing approval and/or revoking a permit shall be final.

REGULATION 136 NOTICE OF APPLICATION

(Effective January 1, 1955)

Section 136.01. Statutory Provision.—Section 403, sub-section (g) of the Liquor Code requires applicants for hotel, restaurant and club liquor licenses to post notice of their license application and provides: "Every applicant for a new license or for the transfer of an existing license to another premises not then licensed shall post, for a period of at least fifteen days beginning with the day the application is filed with the board, in a conspicuous place on the outside of the premises for which the license is applied, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. Proof of the posting of such notice shall be filed with the board."

Section 432, sub-section (e) of the Liquor Code requires applicants for hotel, eating place and club malt and brewed beverage retail dispenser licenses to post notice of their license application and provides: "Every applicant for a new or for the transfer of an existing license to another premises not then licensed shall post, for a period of at least fifteen days beginning with the day the application is filed with the board, in a conspicuous place on the outside of the premises or in a window plainly visible from the outside of the premises for which the license is applied, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. Proof of the posting of such notice shall be filed with the board."

Pursuant to and in accordance with the above quoted statutory provisions, the following regulation is adopted, effective January 1, 1955.

Section 136.02. Forms.—Form W-112, "Notice of Application for Retail Liquor License" shall be approximately 11 inches by 17 inches in size and shall contain the following text: "Notice of Application for Retail Liquor License. Date Posted. *To Whom It May Concern:* The undersigned, proprietor of this establishment, hereby gives notice that he has on this date filed, with the PENNSYLVANIA LIQUOR CONTROL BOARD, Harrisburg, an application for a Retail LIQUOR LICENSE for these premises. Name: (Typed or Printed) Name: (Signed)

This 'Notice of Application' shall be continuously posted during the period the application is pending, in a conspicuous place on the outside of the premises for which the license is applied, in such a place and in such a manner that it is easily and readily visible to the general public at all times. Posted in accordance with the provisions of the Liquor Code, approved April 12, 1951, P. L. 90, and the Regulations of the Pennsylvania Liquor Control Board. Removing, defacing, covering up or destroying this 'Notice of Application' by anyone during the period the application is pending is a **CRIMINAL OFFENSE** and will be prosecuted according to Law."

Form W-113, "Notice of Application for Malt and Brewed Beverage Retail Dispenser License" shall be approximately 11 inches by 17 inches in size and shall contain the following text: "Notice of Application for Malt and Brewed Beverage Retail Dispenser License. Date Posted. *To Whom It May Concern:* The undersigned, proprietor of this establishment, hereby gives notice that he has on this date filed, with the PENNSYLVANIA LIQUOR CONTROL BOARD, Harrisburg, an application for a MALT AND BREWED BEVERAGE RETAIL DISPENSER LICENSE for these premises. Name: (Typed or Printed) Name: (Signed)

This 'Notice of Application' shall be continuously posted

during the period the application is pending, in a conspicuous place on the outside of the premises or in a window plainly visible from the outside of the premises for which the license is applied, in such a place and in such a manner that it is easily and readily visible to the general public at all times. Posted in accordance with the provisions of the Liquor Code, approved April 12, 1951, P. L. 90, and the Regulations of the Pennsylvania Liquor Control Board. Removing, defacing, covering up or destroying this 'Notice of Application' by anyone during the period the application is pending is a **CRIMINAL OFFENSE** and will be prosecuted according to Law."

These forms are furnished by the board and are available upon request at any of the board's District Enforcement Offices or at the board's offices in Harrisburg. No other form will be acceptable or considered to be in compliance with this regulation.

Section 136.03. Applicant's Responsibility.—A. The "Notice of Application" must remain posted from the date the application is filed until the license or notice of refusal is received by the licensee or applicant.

B. The applicant shall be fully responsible for the posting and maintenance of the "Notice of Application," at all times during the period the application is pending:

C. If, upon the original or any subsequent investigation of the applicant and the premises made in connection with the current application, it is disclosed that the "Notice of Application" is not posted as provided herein, it shall be considered sufficient cause to refuse to grant the license applied for, and for prosecution.

D. If it is ascertained after a license has been granted that the "Notice of Application" was removed before the license was received, it shall be considered sufficient reason for the issuance of a citation to show cause why the license should not be revoked, and for prosecution.

Section 136.04. Affidavits.—In addition to the affidavit in the application in which the applicant swears or affirms that the "Notice of Application" was posted as prescribed on the date of filing of the application, the applicant shall furnish to the board, upon request, another affidavit attesting to the fact that the "Notice of Application" was continuously and conspicuously posted as provided herein, from the date the application was filed to the date of making the second affidavit. The second affidavit will not be requested until at least fifteen (15) days subsequent to the filing of the application.

REGULATION 137 MALT OR BREWED BEVERAGE ORIGINAL CONTAINERS

(Effective December 9, 1954; as amended July 30, 1965, and May 1, 1966)

Section 137.01 (As amended July 30, 1965, and May 1, 1966) Nature, Form and Capacity of All Packages and Original Containers To Be Used For Containing Malt or Brewed Beverages.—Section 207(g) of the Liquor Code provides: "Under this act, the board shall have the power and its duty shall be: To determine the nature, form and capacity of all packages and original containers to be used for containing liquor, alcohol or malt or brewed beverages."

In conformity with the foregoing statutory provision, the board by this regulation fixes the nature, form and capacity of all original containers for containing malt or brewed beverages as defined in the Liquor Code and that may be lawfully sold for use and consumption in the Commonwealth of Pennsylvania, regardless of the place of manufacture, as follows:

BOTTLES, CANS, KEGS AND BARRELS

Seven (7) fluid ounces	
Eight (8) fluid ounces	
Twelve (12) fluid ounces	
Sixteen (16) fluid ounces	
Thirty-two (32) fluid ounces	
One hundred twenty-eight (128) fluid ounces	
One hundred forty-four (144) fluid ounces	
Two hundred eighty-eight (288) fluid ounces	
Three and seven-eighths ($3\frac{7}{8}$) gal.	$\frac{1}{8}$ Bbl.
Five and one-sixth ($5\frac{1}{6}$) gal.	$\frac{1}{6}$ Bbl.
Seven and three-fourth ($7\frac{3}{4}$) gal.	$\frac{1}{4}$ Bbl.
Ten and eight-tenth ($10\frac{8}{10}$) gal.	Approx. $\frac{1}{3}$ Bbl.
Fifteen and one-half ($15\frac{1}{2}$) gal.	$\frac{1}{2}$ Bbl.
Thirty-one (31) gal.	1 Bbl.

The customary tolerances permitted by Federal Regulations shall apply to all the aforementioned original containers.

REGULATION 138 RULES OF PRACTICE

(Effective July 1, 1959; as amended November 22, 1961)

Section 138.01. Definitions.—As used in these rules, the following terms will have the indicated meaning:

- A. "Applicant" shall mean one who requests the issuance of a license or permit from the Pennsylvania Liquor Control Board.
- B. "Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth.
- C. "Examiner" shall mean an individual learned in the law appointed by the Governor pursuant to the provisions of the Act of April 12, 1951, P. L. 90, Section 402, as amended.
- D. "Licensee" shall mean any person holding a current license or permit issued by the board.
- E. "Person" shall mean an individual, a partnership, an association or a corporate entity.
- F. "Protestant" shall mean a person objecting on grounds of private or public interest to the prayer of an application.

Section 138.02. Appearances, Attorneys.—

- A. All parties except individuals appearing in their own behalf shall be represented by attorneys-at-law in good standing.
- B. All attorneys appearing before the board shall conform to the standards of ethical conduct required of practitioners before the Supreme Court of Pennsylvania and failure so to conform will constitute ground for refusal of permission to appear before the board.

Section 138.03. Continuances.—

- A. All requests for continuances of any cause, except as provided in subsection G hereof, shall be in writing and addressed to the Pennsylvania Liquor Control Board, Northwest Office Building, Harrisburg, Attention: Legal Bureau.
- B. No cause shall be continued more than once because of the absence of counsel performing the duties of state or national office.
- C. The party moving for continuance of the cause shall, if required by the board, submit an affidavit containing the facts alleged as the reason for the motion. Such affidavit shall specifically, and with particularity, set forth the names and addresses of all parties concerned, the caption and number and term of any cause which may be the basis of such motion, and such other information that the board may from time to time request.
- D. When application is made for continuance of a cause prior to the date set for hearing thereon because of the absence of a witness, an affidavit must be presented setting forth the fact or facts which it is believed the witness will prove, the efforts made to procure the attendance of such witness, the affiant's belief in such facts and his reasons for such belief, and that a continuance will enable the party to procure the presence or testimony of the witness. Such application shall specifically identify such witness by name and last known address.

- E. When application is made for continuance of a cause because of the illness of an applicant, licensee, witness or counsel, such application shall be accompanied by a medical certificate attesting to such illness and inability to testify.
- F. Except as hereinafter provided, no continuance of any board hearing will be approved unless a written request for such continuance is received by the board in Harrisburg at least 48 hours prior to the time fixed for hearing.

Request for continuance received by the board within the 48 hour period will not be granted unless satisfactory arrangement in writing is made with the board for the payment of all expenses resulting from such continuance. However, the board may waive payment of such expenses in case of extenuating circumstances in any matter of continuance.

- G. The right of an Examiner to grant a motion for continuance of any hearing shall be confined to motions made at the time and place set for hearing; and which shall have been verbally approved by the Legal Bureau of the board. Said motion shall be based upon the alleged inability of a material party, witness or counsel to appear for reasons of illness or other cause, which inability shall have come to the attention of the moving party within the 24-hour period immediately preceding the time set for hearing. Such motion shall include: (1) the name and address of the unavailable material party, witness or counsel; (2) a brief statement of the service or testimony to be offered by said party, witness or counsel; (3) the reason for such inability to be present; (4) in the case of illness, a medical certificate (if possible) attesting to such illness and inability to appear; and (5) the willingness of the moving party to bear the expense of increased witness fees and mileage occasioned by the request. All other motions for continuance shall be referred to the board for determination.

Section 138.04. Subpoenas.—In all proceedings the board will, upon request of any party of record, issue subpoenas to compel the presence of witnesses at hearings. Such subpoenas will be available at each District Office of the board.

Subpoenas duces tecum may be issued by the board upon written petition to it, received by it in Harrisburg no less than five (5) days prior to the date fixed for hearing. Each petition shall clearly set forth the books, papers and records desired, the necessity therefor, and the party against whom the subpoena should issue. Such subpoena duces tecum form, if provided by the board, shall be completed by the applicant therefor and shall demand only such books, papers and records as set forth in the petition therefor.

The board shall not be responsible for witness fees and/or mileage for any witness unless such witness shall have been subpoenaed by and for the board.

Section 138.05. Bills of Particulars.—No Bill of Particulars shall be granted or furnished by the board in any matter, hearing or controversy pending before it.

Section 138.06. Hearings.—

- A. Preliminary Statements.—At any initial hearing all persons entering an appearance shall state for the record (before any testimony shall be received) their names, addresses, and for whom they appear.
- B. The Examiner may require or allow a factual statement of the position of any party in the case.

- C. All citations and all board orders in a case shall constitute a part of the record without formal offer.
- D. The customary rules of evidence shall be enforced but shall be liberally construed and applied.
- E. Not more than one counsel shall ask a question of any one witness, either in chief or on cross-examination, or in any way interfere in the same, except to suggest questions to a colleague.
- F. If, at the time and place scheduled for hearing, all parties to the record are not in attendance either in person or by counsel, the matter shall be heard ex parte.
- G. In hearings upon applications for the issuance of licenses the order in which testimony shall be taken shall be as follows: (1) Board witnesses; (2) Protestants; (3) Applicants.

Section 138.07. Waivers, Admissions and Authorizations.—

- A. A licensee whose license shall have been cited to show cause why it should not be suspended or revoked may waive the hearing fixed thereon. Such waiver shall constitute an admission of the charges contained in the citation and an authorization to the board to enter without hearing such final order or decree as it shall deem appropriate.
- B. All waivers by corporate licensees or unincorporated association licensees shall be accompanied by a resolution under the seal of the corporation or association authorizing the submission of such waiver.
- C. Such waivers shall be in a form prescribed by the board. Forms therefor shall be available at all District Offices of the board.

Section 138.08. Further Hearing, Rehearing, Recision or Modification of Orders.—

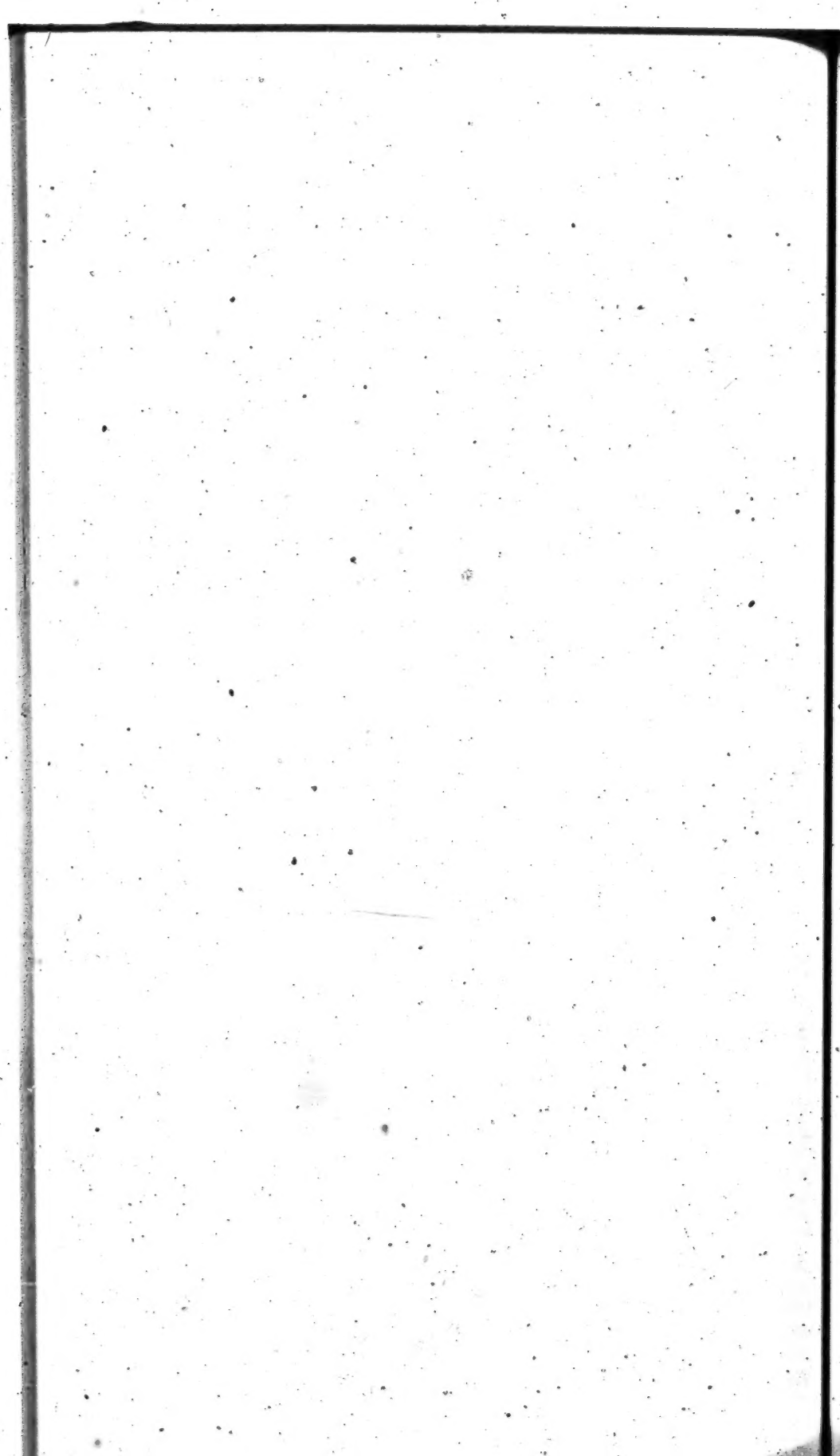
- A. Any petition for further hearing, for reopening, or for rehearing, recision, reconsideration or modification of a board order, shall be in writing, setting forth in numbered paragraphs the findings or orders of the board that may be involved, the points relied upon by the petitioner, with appropriate record references and specific requests for the findings or orders desired.
- B. If the petition be for further hearing or for reopening the proceeding to take further evidence, the nature and purpose of the evidence to be adduced must be briefly stated.

Section 138.09. (As amended November 22, 1961) Testimony.—Upon completion of any hearing, any party of record may request a transcript of the testimony therein and shall be furnished such transcript upon payment at the rate of fifty cents (\$.50) per page.

Partial transcripts or transcripts of uncompleted hearings will be furnished only for cause shown, upon petition to the board. The furnishing of such transcript shall be discretionary with the board.

Section 138.10. Waiver of Rules.—The board shall have the right in its sole discretion to waive any of the rules herein contained.

Section 138.11. Severability.—The sections of this regulation shall be deemed severable. Should any such section be deemed by judicial opinion or legislative enactment to be invalid, unconstitutional or in any manner contrary to the laws of the Commonwealth, such opinion or enactment shall invalidate only the particular section of the regulation and all other sections shall remain in full force and effect.



REGULATION 139 IDENTIFICATION CARDS

(Effective October 21, 1961; as amended July 31, 1963 and April 17, 1970)

Section 139.01 *(As amended April 17, 1970)* Statutory Provisions. The Liquor Code in Section 495, as amended by Act No. 456, approved August 21, 1961, provides, inter alia:

"The Board shall issue, to any person who shall have attained the age of twenty-one years an identification card bearing said person's date of birth, physical description, photograph, signature and such other information as the Board by regulation may determine attesting to the age of the applicant, upon application therefor by said person filed no earlier than fifteen days prior to attaining the age of twenty-one. Such cards shall be numbered and a permanent record thereof maintained by the Board. The Board may in its discretion impose a charge for such cards in an amount to be determined by it and it may upon proof of loss of such identification card by and upon application of anyone to whom such card may have been issued issue a duplicate thereof and impose a charge therefor in an amount as it may by regulation prescribe. The Board shall have the power to make such regulations as it shall from time to time deem proper regarding the size, style and additional content of the identification card, the form and content of any application therefor, the type, style and quantity of proof required to verify the applicant's age, the procedure for receiving and processing such application, the distribution of said card, the charge to be imposed for any card more than one that it shall issue to the same applicant and all other matters the Board shall deem necessary or advisable for the purpose of carrying into effect the provisions of this section."

Section 139.02 *(As amended April 17, 1970)* Application for Identification Card. Every applicant for an identification card shall file a written application therefor in duplicate at a state store or at the central office of the Board at Harrisburg on a form provided by the Board. The applicant shall submit with the application documentary proof that he is twenty-one years of age or over or that he will become twenty-one years of age within fifteen days from the date of application and such proof shall consist of three or more of the following documents: (1) Armed Forces Identification Card; (2) Passport or Foreign Government visa; (3) Selective Service Registration Certificate; (4) Armed Forces Discharge or Separation Papers; (5) Motor Vehicle Operator's License with birth date imprinted; (6) Voter's Registration Card; (7) Life Insurance Policy with photostatic copy of application therefor; (8) Birth Certificate; (9) Baptismal Certificate; (10) School or Church Age Record. There shall also be submitted with the application two (2) one inch by one inch recent photographs of the applicant, full face without hat. The application shall be signed by the applicant if the designated employe of the Board is satisfied with the proof of age submitted.

The documents submitted as proof of age shall be returned to the applicant. The signed application and photographs shall be transmitted to the Bureau of Licensing, Central Office of the Board at Harrisburg, Pennsylvania, where the date of birth of the applicant will be verified, if possible, and the application fully processed.

Section 139.03 (As amended April 17, 1970) Identification Card. The identification card shall be wallet size, contain the name and signature of the applicant, the facsimile signature of the Chairman of the Board and the facsimile seal of the Board. Such card shall bear a serial number registered in the central office of the Board at Harrisburg, the applicant's height, weight, color of hair, color of eyes and any other identification data deemed advisable by the Board. The photograph of the applicant shall be mounted on the identification card which shall be laminated in plastic. The identification card shall then be delivered to the applicant at the place where the application was filed and the applicant shall sign a receipt therefor or, in appropriate cases, upon the applicant's request accompanied by a \$1.00 fee, the identification card shall be sent to the applicant in the Continental United States by U. S. certified mail with delivery restricted to the applicant and requiring the return receipt to be signed personally by the applicant.

Section 139.04. Charge for Identification Card: Replacement.—The original identification card will be issued without charge, but in the event such card is lost or destroyed, the owner thereof, upon filing another application in the same form as required under Section 139.02 hereof and upon making affidavit as to the loss or destruction of the original identification card, may secure a duplicate card from the board at Harrisburg, Pennsylvania, upon payment of a charge of two dollars (\$2.00).

Section 139.05. Records to be Maintained.—The board shall maintain at its Central Office in Harrisburg, a permanent record of all identification cards issued by it, together with original application therefor and one of the applicant's photographs transmitted to the board.

Every Pennsylvania Liquor Store at which an application for an identification card is made and processed as herein required, shall retain and keep on file therein the duplicate application.

REGULATION 140 DEPOSIT AND TRANSMISSION OF PENNSYLVANIA LIQUOR STORE RECEIPTS

(Effective October 21, 1960)

Section 140.01. Statutory Provision.—The Liquor Code in Section 802 provides, *inter alia*:

“All moneys, except fees to be paid into the Liquor License Fund as provided by the preceding section, collected, received or recovered under the provisions of this act for . . . sales of liquor and alcohol at the Pennsylvania Liquor Stores, shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as ‘The State Stores Fund’.”

The foregoing quoted provision of the Liquor Code does not establish any procedure for the temporary custody and transmission of the moneys collected or received for sales at the Pennsylvania Liquor Stores and therefore the Pennsylvania Liquor Control Board (hereinafter called “Board”) has adopted this regulation, establishing such procedure, as follows:

Section 140.02. Selection of Banks.—The Board, when and as deemed advisable, will select banks located in municipalities in this Commonwealth, wherein will be deposited temporarily for account of the Commonwealth and transmittal to the State Treasury; the daily receipts of cash (currency only) at Pennsylvania Liquor Stores (hereinafter called “State Stores”). The banks, so selected, shall be only those designated depositories for State moneys by the Board of Finance and Revenue, and shall be conveniently located to the respective State Stores.

Section 140.03. Notice of Banks Selected.—Prior to any transaction with any of the banks selected as aforementioned, the Board will inform the Department of the Auditor General and the State Treasury Department of the name and address of each bank and the nature of the funds to be deposited therein.

Section 140.04. Forms.—The Board will furnish each of the State Stores a supply of uniform deposit slips and uniform transmittal checks. The deposit slips shall have imprinted thereon, *inter alia*, the name and location of the particular bank wherein the deposit is made; the name Pennsylvania Liquor Control Board for account of the Commonwealth of Pennsylvania (the depositor), and the State Store number and location. The deposit slip shall have thereon a space for entering the items of cash deposited, the total deposit and for certification of the deposit by the bank.

The transmittal checks shall have imprinted thereon the name and location of the particular bank wherein the deposit is made; the State Store number and location; Commonwealth of Pennsylvania (the payee); Commonwealth of Pennsylvania (the drawer), and thereunder the facsimile signature of the State Treasurer. In addition, the said check shall have imprinted thereon a notation as follows:

“This check shall be void unless used solely to transmit funds in the bank named hereon to Pennsylvania State Treasury for account of State Stores Fund, and bears the facsimile signature of the State Treasurer.”

Section 140.05. Duties of State Store Manager.—If and when final arrangements have been made for a State Store to begin operation under the procedure herein set forth, the manager of such Store shall, with respect to each day's business therein:

(a) Prepare the herein required deposit slip for the amount of cash (currency) to be deposited in the selected and approved bank for transmittal to the Central Office of the Board at Harrisburg, Pennsylvania; make the deposit and have the bank teller certify on the deposit slip that the deposit has been received by the bank.

(b) Prepare the herein required transmittal check by entering thereon the date and exact amount of the deposit.

(c) Attach the transmittal check and copy of the deposit slip, showing the same amount for which the check is drawn, to the daily report of sales at State Stores and mail the same to the Central Office of the Board at Harrisburg.

Section 140.06. Interpretation of Regulation.—The purpose of this regulation is to establish a new procedure now under consideration by the Board, for the protection and transmittal of moneys (currency) collected or received at Stores established, operated and maintained by the Pennsylvania Liquor Control Board, and known as "Pennsylvania Liquor Stores".

Under the provisions of this regulation, it shall be the duty and responsibility of the managers of the respective State Stores to make deposits of Store receipts and transmit the exact amount of such deposits by check in the manner herein set forth.

Section 140.07. Effective Date.—This regulation shall become effective on October 21, 1960, but the established procedure presently in effect for the deposit and transmittal of State Store receipts may continue until the new procedure herein set forth is fully established and operative.

REGULATION 141 SALE OF ALCOHOLIC BEVERAGES ON SUNDAY IN CITIES OF THE FIRST AND SECOND CLASS

(Effective June 2, 1961; as amended April 1, 1962)

Section 141.01. Statutory Provisions.—The Liquor Code in Section 406 as amended by Act No. 781, approved January 7, 1960 (P. L. 2106) and Act No. 18, approved February 21, 1961, authorizes the sale of liquor and malt or brewed beverages on Sundays between the hours of one o'clock post meridian and ten o'clock post meridian by hotel liquor licensees and restaurant liquor licensees located in hotels in cities of the first and second class, and provides, inter alia:

"The provisions of this section shall be applicable only to those hotels whose sales of food and nonalcoholic beverages are equal to fifty-five per centum or more of the combined gross sales of both food and alcoholic beverages."

Section 406, supra, does not fix any definite period of time to be used in determining the fifty-five per centum of sales and does not set forth any procedure by the board for authorizing such sales of alcoholic beverages on Sunday. The said section does specifically grant the power to the board to make such rules and regulations as it deems necessary to insure compliance with and enforcement of its provisions. Therefore, the board adopts this regulation as follows:

Section 141.02. Application for "Sunday Sales Permit."—Any hotel liquor licensee or restaurant liquor licensee whose licensed premises are in a hotel of any city of the first or second class where in such city the sale of alcoholic beverages on Sunday has been approved by referendum and who wishes to make such sales of alcoholic beverages shall file an application in such form as may be prescribed by the board for a "Sunday Sales Permit." Such application shall contain or have attached thereto the following information and statements:

- (a) The name and address of the applicant.
- (b) The address of the licensed premises.
- (c) The number assigned to the hotel or restaurant liquor license held by the applicant.
- (d) A certification by a certified public accountant that for a period of not less than ninety (90) consecutive days during the twelve months immediately preceding the date of the application, sales of food and nonalcoholic beverages by the applicant at the licensed premises were equal to or exceeded fifty-five per centum of the combined gross sale of both food and alcoholic beverages. The form of such certification shall be such as the board may from time to time determine.
- (e) The application must be verified by affidavit of the applicant.

Section 141.03. Issuance of Permit.—Upon being satisfied of the truth of the statements in the application and certification, the board shall grant and issue a "Sunday Sales Permit." Such permit shall be in the size and form prescribed by the board and shall be posted in a conspicuous place adjacent to the license.

Section 141.04. Provisional Permits.—All "Sunday Sales Permits" shall be deemed personal and not subject to transfer. However, the board shall issue a "Provisional Sunday Sales Permit" to any person to whom a hotel liquor license or a restaurant liquor license in a hotel may be transferred by a person who, at the time of such transfer, is the holder of a "Sunday Sales Permit." Such "Provisional Sunday Sales Permit" shall be valid for a period of 120 days from the date of approval of the said transfer. After ninety (90) days from the date of approval of said transfer, the transferee shall have the right to file an application for a "Sunday Sales Permit" in the manner and method described in Section 141.02 hereof.

Section 141.05. (As amended April 1, 1962). Duration of Permit.—All such "Sunday Sales Permits" as may be issued by the board shall be valid only for the license year during which issued.

Section 141.06. (As added April 1, 1962)—Renewals of "Sunday Sales Permits" shall be accomplished in the same manner as set forth in Section 141.02 hereof except that the certification required by subsection (d) thereof shall be, for the preceding license year or portion thereof during which a "Sunday Sales Permit" was held by the applicant for renewal.

REGULATION 142 REPORTING OF DISHONORED INSTRUMENTS

(Effective June 22, 1961; as amended July 17, 1963)

Section 142.01. (*As amended July 17, 1963*)—Any person licensed by the Pennsylvania Liquor Control Board under the provisions of Article IV of the Liquor Code who shall receive in payment for malt or brewed beverages sold by him any check, draft or similar order, for the payment of money which is subsequently dishonored by the bank, banking institution, trust company or other depository upon which drawn, for any reason whatsoever, shall within twenty (20) days of receipt of notice of such dishonor notify the Pennsylvania Liquor Control Board thereof by letter sent by United States mail and addressed: Bureau of Enforcement, Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania, ATTENTION: Chief of Enforcement Examining. Such separate letter or notice for each dishonored instrument shall be submitted and shall contain information listed in the following manner:

- a. Date of instrument
- b. Institution upon which drawn
- c. Maker of instrument, trade name and address of licensed business
- d. Amount of instrument
- e. Payee of instrument (to whom payable)
- f. Date received by reporting licensee in payment for malt or brewed beverages
- g. Date of notice of non-payment or dishonor
- h. List of endorsements, if any
- i. Reason for return and other remarks

Such notice shall specifically identify the reporting licensee together with the address of his licensed premises.

Section 142.02. (*As added July 17, 1963*)—Any person licensed by the Pennsylvania Liquor Control Board under the provisions of Article IV of the Liquor Code who shall receive in payment for malt or brewed beverages sold by him any check, draft or similar order for the payment of money which is subsequently dishonored by the bank, banking institution, trust company or other depository upon which drawn, for any reason whatsoever, shall, within five (5) days of receipt of notice of such dishonor, notify by certified mail the person who presented the said worthless check, draft or similar order.

Section 142.03. (*As added July 17, 1963*)—Any person licensed by the Pennsylvania Liquor Control Board under the provisions of Article IV of the Liquor Code who shall receive in payment for malt or brewed beverages sold by him any check, draft, or similar order for the payment of money shall give instructions in writing to the banking institution or other depositories in which he shall deposit any such instruments that such banking institution or other depositories shall give notice to him forthwith when any such instrument has been dishonored by the banking institution or depository upon which it was drawn.

A copy of each notice required in Sections 142.01, 142.02 and 142.03 shall be maintained on the licensed premises.

**REGULATION 143. PROHIBITION AGAINST
SOLICITATION FOR THE PURCHASE OF
ALCOHOLIC BEVERAGES**

(Effective December 19, 1961; as amended January 10, 1962)

Section 143.01, *(As amended January 10, 1962.)*—No licensee nor servant, agent or employe thereof shall at any time permit any person on the licensed premises to solicit or entice any other person for the purpose of the purchase for them or for any other person of any food, beverages, merchandise, service, or any other item or thing stored, possessed, served, sold, exposed for sale or dispensed on the licensed premises or any premises contiguous or adjacent thereto or operated in connection therewith.

REGULATION 144

(Rescinded November 23, 1965)

**REGULATION 145 FINGERPRINTING OF CERTAIN
PERSONS CONNECTED WITH APPLICANTS FOR
LICENSE**

(Effective October 11, 1965)

Section 145.01.—All new applicants for a license, all new applicants for a transfer of an existing license from another licensee, all officers and directors of a corporation which desires to obtain a license, all persons who desire to become officers or directors of licensed corporations and all persons who desire to be managers of licensed establishments are required to furnish their fingerprints to the Board. Persons who acquire shares of stock in a licensed corporation will also be required to furnish their fingerprints when requested by the Board.

Section 145.02.—Fingerprints required by this regulation will be taken by or in the presence of Board enforcement officers.

Section 145.03.—Failure to comply with the provisions of this regulation shall be sufficient cause for refusal to grant, transfer or renew a license or for the issuance of a citation to show cause why a license should not be suspended or revoked.

REGULATION 146 NOTICE OF SUSPENSION

(Effective October 11, 1965)

Section 146.01. Posting.—Whenever the Board shall suspend the license of any licensee, the Board will, on the date the suspension becomes effective, cause to be posted in a conspicuous place on the outside of the licensed premises or in a window plainly visible from the outside of the licensed premises, a notice of such suspension, in such form, of such size, and containing such provisions as the Board may require. Said notice shall remain posted during the entire period of suspension.

Section 146.02. Other Closing Notices.—During the suspension period, no licensee, or his servants, agents or employees, shall cause to be advertised in any manner, or place in, on, or about the premises, any notice of any kind, stating or indicating that the licensed establishment has been closed for any reason other than the suspension of the license.

Section 146.03. Removal of Notice.—No licensee, or his servants, agents or employees, shall cover, remove, alter, deface, or in any way disturb said notice, or permit the same to be done, until after the suspension period has expired. The suspension notice may not be removed until the license has been returned to the licensee or until the licensee has received notice from the Board that the suspension period has terminated.

Section 146.04. Penalty.—Any violation of this regulation shall be sufficient cause for the issuance of a citation to show cause why such license should not be suspended or revoked.

REGULATION OF THE STATE OF TEXAS

Section 1. The State of Texas, for the purpose of regulating the business of the State, and for the purpose of providing for the public safety, health, and morals, do hereby enact and declare that...

Section 2. The State of Texas, for the purpose of regulating the business of the State, and for the purpose of providing for the public safety, health, and morals, do hereby enact and declare that...

Section 3. The State of Texas, for the purpose of regulating the business of the State, and for the purpose of providing for the public safety, health, and morals, do hereby enact and declare that...

Section 4. The State of Texas, for the purpose of regulating the business of the State, and for the purpose of providing for the public safety, health, and morals, do hereby enact and declare that...

Section 5. The State of Texas, for the purpose of regulating the business of the State, and for the purpose of providing for the public safety, health, and morals, do hereby enact and declare that...

Section 6. The State of Texas, for the purpose of regulating the business of the State, and for the purpose of providing for the public safety, health, and morals, do hereby enact and declare that...

Section 7. The State of Texas, for the purpose of regulating the business of the State, and for the purpose of providing for the public safety, health, and morals, do hereby enact and declare that...

Section 8. The State of Texas, for the purpose of regulating the business of the State, and for the purpose of providing for the public safety, health, and morals, do hereby enact and declare that...

Section 9. The State of Texas, for the purpose of regulating the business of the State, and for the purpose of providing for the public safety, health, and morals, do hereby enact and declare that...

Section 10. The State of Texas, for the purpose of regulating the business of the State, and for the purpose of providing for the public safety, health, and morals, do hereby enact and declare that...

REGULATION 147 LIMITED WINERIES

(Effective March 11, 1969; Amended July 25, 1969)

Section 147.01 Statutory Provision. Act 272 of 1968 amended the Liquor Code by making provision for a new type of winery license to be known as a "Limited Winery," and adding Section 505.2 to the Liquor Code which provides:

Section 505.2. Limited Wineries. Holders of a Limited Winery License may:

- (1) Produce table wines only from grapes grown in Pennsylvania in an amount not to exceed fifty thousand (50,000) gallons per year.
- (2) Sell wine produced by the limited winery on the licensed premises, under such conditions and regulations as the Board may enforce, to the Liquor Control Board, to individuals and to hotel, restaurant, club and public service liquor licensees.

Therefore, the Board adopts this regulation:

Section 147.02 Definition of Table Wine. "Table Wine" shall mean still wines containing not over fourteen per-cent (14%) of alcohol by volume, such definition to include wines commonly designated as sparkling wines.

Section 147.03 Sale. A limited winery licensee may sell table wines produced on his licensed premises in accordance with the provisions of the Liquor Code and Regulations of the Board, where applicable, subject to the following additional conditions:

- A. Table wine produced pursuant to a limited winery license may be shipped by common carrier, transporter-for-hire, or in commercial vehicles properly registered with the Board as provided in Regulation 106.
- B. There shall be no sales for on-premises consumption.
- C. All wine sold shall be in sealed containers, each container containing not less than six (6) ounces nor more than one (1) gallon.
- D. Sales may be made only between nine o'clock antemeridian and nine o'clock postmeridian daily, except on Sunday or on any day on which a general, municipal, special, or primary election is being held in the election district in which the limited winery is located.
- E. There shall be no sales of table wines on credit, provided, however, a limited winery may accept checks drawn by the purchaser on his account.

Section 147.04 Records to be Maintained. Section 512 of the Liquor Code provides in part:

"Every person holding a license issued under the provisions of this article (Article V) shall keep on the licensed premises daily permanent records which shall show, (a) the quantities of any alcohol or liquor

manufactured, produced, distilled, developed, denatured, redistilled, recovered, reused, stored in bond, stored as bailee for hire, received or used in the process of manufacture by him, and of all other materials used in manufacturing or developing any alcohol or liquor; (b) the sale or other disposition of any alcohol, liquor or malt or brewed beverage if covered by said license; (c) the quantities thereof, if any, stored in bond, stored for hire, or transported for hire by or for the licensee; and (d) the names and addresses of the purchasers or other recipients thereof.

The records designated in item (a) above shall include complete details concerning the source of all grapes used in the production of table wines.

In addition to the above prescribed records and, except as hereinafter provided, a sales invoice shall be prepared at the licensed premises for each sale. Such sales invoice shall be imprinted or affixed with the name and address of the limited winery. Sales invoices shall show the name and address of the recipient of the merchandise, date of sale, number of units, size and type of package, brand name, selling price of the table wine, and the net cost to the customer. The Pennsylvania sales tax where applicable shall be shown as a separate entry. The sale of other commodities shall not be included on any sales invoice covering the sale of table wines. One copy of each sales invoice shall be given to the recipient of the merchandise. Provided, however, the name and address of private individuals will not be required on sales invoices covering quantities of four (4) wine gallons or less; and in lieu of preparing sales invoices for such sales, these transactions may be entered individually on a counter sheet maintained in columnar form showing the information required on sales invoices other than name and address of the purchaser. This counter sheet shall be totaled daily and the total entered into the sales register noted in item (b) above.

Section 147.05 Monthly Reports. Every licensed limited winery shall file with the Board, each month, reports on Forms PLCB-42 and PLCB-43, with attached schedules on Forms PLCB-43-A and 43-B, covering all operations of their licensed business during the preceeding month. Such reports shall be signed and sworn to by the licensee or his duly authorized agent, and shall be filed with the Board on or before the 15th day of the month immediately succeeding the month for which the reports are prepared. A copy of each report shall be retained on the licensee's premises for a period of at least two years.

Section 147.06 Registration of Agents. It shall be unlawful for any limited winery licensee to employ individuals to solicit orders for wine produced by it or to promote the sale of such wines unless and until each such individual has been registered by the licensee with the Board in accordance with this regulation. Every application for registration shall be made upon forms provided by the Board and shall set forth the name and address of the limited winery licensee together with the name and home address of the agent and any additional information required.

The form shall be filed by both the limited winery licensee and the agent employed. Two photographs of the agent, exactly $1\frac{1}{2}$ " by $1\frac{1}{2}$ " in size, taken within thirty days, shall also be submitted therewith. Every application shall be accompanied by a remittance of \$20.00 for each agent to be registered and an approved surety bond (form to be furnished by the Board) in the penal sum of \$500.00. Said bond shall be conditioned for the faithful observance by the limited winery licensee, and the agent, of all of the laws of the Commonwealth and regulations of the Board relating to liquor, alcohol and malt or brewed beverages. No retail licensee or his agents, servants or employees may be registered as an agent under the terms hereof. The Board reserves the right to refuse to register any agent.

Section 147.07 Identification Cards. Upon approval of the Board of a licensee's application for registration of an agent, there shall be issued to such authorized agent an identification card containing the name and address of the licensee and the name and address and physical description of the agent. There shall also be affixed to the identification card, a photograph of the agent, and no identification card shall be valid until signed by both the licensee and the agent, and countersigned by a representative of the Pennsylvania Liquor Control Board.

Section 147.08 Privileges of Registered Agents. Agents properly registered by a limited winery licensee and holding identification cards, as herein provided, may advertise and promote the sale of merchandise of those brands sold by the limited winery licensee by whom said agents are registered.

REGULATION 148 CREDIT CARDS

(Effective February 26, 1970)

Section 148.01. Statutory Provision. Section 493 (2) of the Liquor Code as amended by Act No. 11 approved February 16, 1970 permits a hotel, restaurant or public service licensee to extend credit to customers holding credit cards issued in accordance with regulations of the Board or credit cards issued by banking institutions subject to State or Federal regulation. In accordance with this provision of the law this regulation is promulgated as to credit cards other than those issued by banking institutions subject to State or Federal regulation.

Section 148.02. Credit Cards Issued By Licensees. A hotel, restaurant or public service licensee may issue credit cards to customers and extend credit thereon to customers provided that the person to whom the credit card has been issued has filed a written application therefor which application shall be retained in the records of the licensee.

Section 148.03. Credit Cards Not Issued By Licensees. A hotel, restaurant or public service licensee may extend credit to customers holding credit cards issued by companies, other than licensees, which issue credit cards and guarantee payment of credit given thereon, provided that the licensee has prior thereto entered into a written agreement to honor their credit cards and a copy of said written agreement shall be retained in the records of the licensee.

REGULATION 149 ADVERTISING OF DISTILLED SPIRITS IN NEWSPAPERS, MAGAZINES, OR SIMILAR PUBLICATIONS

(Effective April 24, 1970)

Section 149.01. Application. No person engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of distilled spirits, directly or indirectly, or through an affiliate, shall publish or disseminate or cause to be published or disseminated in any newspaper, magazine, or similar publication any advertisement of distilled spirits, unless such advertisement is in conformity with these regulations: Provided, That these provisions shall not apply to the publisher of any newspaper, magazine, or similar publication, unless such publisher is engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of distilled spirits, directly or indirectly, or through an affiliate.

Section 149.02. Definitions. As used in these regulations, terms shall have the meaning ascribed below.

(a) **Advertisement.** The term "Advertisement" includes any advertisement of distilled spirits through the medium of newspapers, magazines, or similar publications, except that such term shall not include:

(1) Any label affixed to any container of distilled spirits or any individual covering, carton, or other wrapper of such container.

(2) Any editorial or other reading matter in any periodical or publication or newspaper for the preparation or publication of which no money or other valuable consideration is paid or promised, directly or indirectly, by any person subject to these regulations.

(b) **Distilled spirits.** "Distilled spirits" means ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, for beverage use, and shall include, but not be limited to neutral spirits, whisky, brandy, rum, gin, vodka, cordials, and liqueurs.

(c) **Person.** "Person" means any individual, partnership, joint-stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent.

Section 149.03. Mandatory Statements. (a) **Responsible advertiser.** The advertisement shall state the name and address of the producer, manufacturer, bottler, importer or wholesaler responsible for its publication. Street name and number may be omitted in the address.

(b) **Class, type, and distinctive designation.** The advertisement shall contain a conspicuous statement of the class and type, or other designation of the product, corresponding with the complete designation which appears on the brand label of the product.

(c) **Alcoholic content.** The alcoholic content shall be stated in the manner and form in which it appears on the labels of distilled spirits advertised.

(d) **Percentage of neutral spirits and name of commodity.** In the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in

the production thereof, there shall be stated in the advertisement the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled in substantially the manner and form in which these statements appear on the labels of the distilled spirits advertised. In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated in the advertisement the name of the commodity from which such neutral spirits or gin has been distilled substantially in the manner and form in which this statement appears on the labels of the distilled spirits advertised.

(e) "Line" or "Brand" advertisements. Where an advertisement does not mention a specific product but merely refers to a class of distilled spirits (such as "whisky") and the advertiser markets more than one brand of distilled spirits of that class, or where the advertisement refers to several classes of distilled spirits (such as "whisky", "brandy", "rum", "gin", "liqueur", etc.) marketed under a single brand, the only mandatory information prescribed by Section 149.03 hereof applicable to such advertisement would be the name and address of the responsible advertiser.

(f) Retail establishments. Advertisements by retail establishments which merely refer to the availability of distilled spirits in such establishments but which otherwise make no reference to a specific brand of distilled spirits shall be subject only to the "Prohibited Statements" provisions of Section 149.05 of the regulations.

(g) Advertising of price and size. Advertisements of distilled spirits by vendors, which show liquor store prices, shall use the phrase "Retail Price" in quoting the current Pennsylvania Liquor Store retail price. Where reference to licensee discount is made the advertisement shall display the following conspicuous statement: "Discount to Licensees", and such phrase should appear on the line below "Retail Price."

No wholesale prices shall be shown in liquor advertisements except that direct mail advertisements to licensees, of Special Liquor Order Merchandise, may show the total wholesale case price as released by the Board.

A quart shall be advertised as "Quart," a $\frac{4}{5}$ quart as "Fifth" or " $\frac{4}{5}$ Quart" and a pint as "Pint," etc., and all characters shall be of the same size.

Section 149.04. Lettering. (a) Conspicuousness of mandatory statements. Statements required by these regulations to be stated in any written, printed, or graphic advertisement shall appear in lettering of type of a size, kind and color sufficient to render them both conspicuous and readily legible.

In particular:

(1) Required information shall be stated against a contrasting background and in type or lettering which is at least the equivalent of eight-point type.

(2) Required information shall be so stated as to appear to be a part of the advertisement and shall not be separated in any manner.

from the remainder of the advertisement.

(3) Where an advertisement relates to more than one product, the required information shall appear in such manner as to clearly indicate the particular products to which it is applicable.

(4) Required information shall not be buried or concealed in un-required descriptive matter or decorative designs.

Section 149.05. Prohibited Statements. (a) **Restrictions.** An advertisement shall not contain:

(1) Any statement that is false or misleading in any material particular.

(2) Any statement that is disparaging of a competitor's products.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

(6) Any statement that the product is produced, blended, made, bottled, packed, or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or State, Federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if a municipal, county, State or Federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) The advertisement shall not contain any statement concerning a brand or lot of distilled spirits that is inconsistent with any statement on the labeling thereof.

(8) The advertisement shall not contain any statement, design, or device representing that the use of any distilled spirits has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(9) The advertisement shall not represent that the distilled spirits were manufactured in, or imported from, a place or country other than that of their actual origin, or were produced or processed by one who was not in fact the actual producer or processor.

(10) No advertisement shall contain any statement, design, device, or pictorial representation of or relating to, or capable of being construed as relating to the armed forces of the United States, or of the American flag, or any State flag, or of any emblem, seal, insignia, or decoration associated with any such flag or the armed forces of the United States; nor shall any advertisement contain any statement, device, design or pictorial representation of or concerning any flag, seal, coat of arms, crest, other insignia or Pennsylvania Keystone,

likely to falsely lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, insignia or Pennsylvania Keystone is associated.

(11) The words "bond," "bonded," "bottled in bond," "aged in bond," or phrases containing these or synonymous terms, unless such words or phrases appear upon the labels of the distilled spirits advertised, and are stated in the advertisement in the manner and form in which they appear upon the label.

(12) An advertisement for distilled spirits shall not contain any statement, design, or device directly or by implication concerning age or maturity of any brand or lot of distilled spirits unless a statement or age appears on the labels of the advertised product. When any such statement, design, or device concerning age or maturity is contained in any advertisement, it shall include (in direct conjunction therewith and with substantially equal conspicuousness) all parts of the statement concerning age and percentages, if any, which appear on the label. However, an advertisement for any whisky or brandy, which does not bear a statement of age on the label, or an advertisement for rum which is four years or more old, may contain general inconspicuous age, maturity or other similar representations, e.g., "Aged in Wood," "Mellowed in fine oak casks."

(13) Any statement, picture, or illustration referring to religious holidays, such as Easter, Holy Week or to "Santa Claus" (including names synonymous with "Santa Claus"): Provided, That nothing herein shall operate to prohibit references to the Christmas Holiday season if such references do not include statements, pictures, or illustrations on strictly religious themes; and provided further, that nothing in this paragraph shall prohibit the use of labels and advertisements for certain products which for many generations have referred to monasteries and religious orders.

(14) Any statement, picture, or illustration implying that the consumption of distilled spirits enhances athletic prowess, or any statement, picture, or illustration referring to any known athlete, if such statement, picture, or illustration implies, or if the reader may reasonably infer, that the use of distilled spirits contributed to such known athlete's athletic achievements.

(15) Any picture or illustration of a person which is immodest, undignified or in bad taste.

(16) Any picture or illustration depicting the use of distilled spirits in a group or festive scene which is undignified, immodest or in bad taste.

(17) Any offer of a prize or award to a consumer upon the completion of any contest in which there is a requirement to purchase the advertised product; Provided, that no distilled spirits advertisement shall promote a game of chance or a lottery.

Section 149.06. Cooperative Advertising. There shall be no cooperative advertising as between a producer, manufacturer, bottler, importer or wholesaler and a retailer of distilled spirits.

Section 149.07. General Prohibition. All types of advertising not specifically permitted are prohibited.

The advertising of anything which is unlawful is prohibited.

The Board shall have power to investigate and to order the immediate discontinuance of any acts in violation of the provisions of this regulation which may be revealed by such investigation.

Nothing herein contained shall exclude any other enforcement power granted the Board either by the provisions of the Liquor Code or any regulations adopted pursuant thereto.

Section 149.08. Severability. The sections of this regulation shall be deemed severable. Should any section be deemed by judicial opinion or legislative enactment to be invalid, unconstitutional or in any manner contrary to the laws of this Commonwealth, such opinion or enactment shall invalidate only that particular section of the regulation and all other sections shall remain in full force and effect.

It should be noted that the above regulation does not include all prohibitions set forth in the Liquor Code. Some of these prohibitions are:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees. The term "Licensees," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise:

It shall be unlawful -

(18) **Displaying Price of Liquor or Malt or Brewed Beverages.** For any restaurant, hotel or club liquor licensee, or any importing distributor, distributor or retail dispenser, or the servants, agents or employees of such licensees to display on the outside of any licensed premises or to display any place within the licensed premises where it can be seen from the outside, any advertisement whatsoever referring, directly or indirectly, to the price at which the licensee will sell liquor or malt or brewed beverages.

(19) **Licensee's Outside Advertisements.** For any retail liquor licensee or any retail dispenser, distributor or importing distributor, to display in any manner whatsoever on the outside of his licensed premises, or on any lot of ground on which the licensed premises are situate, or on any building of which the licensed premises are a part, a sign of any kind, printed, painted or electric, advertising any brand of liquor or malt or brewed beverage, and it shall be likewise unlawful for any manufacturer, distributor or importing distributor, to permit the display of any sign which advertises either his products or himself on any lot of ground on which such licensed premises are situate, or on any building of which such licensed premises are a part.

(24) Things of Value Offered as Inducement. For any licensee under the provisions of this article, or the Board or any manufacturer, or any employe or agent of a manufacturer, licensee, or of the Board, to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of liquor or malt or brewed beverage, or for any other purpose whatsoever in connection with the sale of such liquor or malt or brewed beverage, or for any licensee, manufacturer or other person to offer or give to trade or consumer buyers any prize, premium, gift or other similar inducement, except advertising novelties of nominal value which the Board shall define.

(Non-pertinent matter deleted)

REGULATION 150 ADVERTISING OF WINE IN NEWS-PAPERS, MAGAZINES, OR SIMILAR PUBLICATIONS*(Effective April 24, 1970)*

Section 150.01 Application. No person engaged in business as a producer, bottler, importer, wholesaler, or retailer of wine, directly or indirectly, or through an affiliate, shall publish or disseminate or cause to be published or disseminated in any newspaper, magazine, or similar publication, any advertisement of wine unless such advertisement is in conformity with these regulations: Provided, That these provisions shall not apply to the publisher of any newspaper, magazine or similar publication unless such publisher is engaged in business as a producer, bottler, importer, wholesaler, or retailer of wine, directly or indirectly, or through an affiliate.

Section 150.02. Definitions. As used in these regulations, terms shall have the meaning ascribed below.

(a) **Advertisement.** The term "advertisement" includes any advertisement of wine through the medium of newspapers, magazines, or similar publications, except that such term shall not include:

(1) Any label affixed to any container of wine, or any individual covering, carton, or other wrapper of such container.

(2) Any editorial or other reading matter in any periodical or publication or newspaper for the preparation or publication of which no money or other valuable consideration is paid or promised, directly or indirectly, by any person subject to these regulations.

(b) **Wine.** The term "wine" means any fermented alcoholic beverage produced from grapes, fruit or other agricultural products, which contains 7 per cent or more alcohol by volume, and includes, but is not limited to, still wines, champagne and other sparkling wines, carbonated wines, imitation wines, vermouth, cider, perry, sake, or any other product offered for sale or sold as wine.

(c) **Person.** "Person" means any individual, partnership, joint-stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent.

Section 150.03. Mandatory Statements. (a) **Responsible advertiser.** The advertisement shall state the name and address of the producer, bottler, importer or wholesaler responsible for its publication. Street name and number may be omitted in the address.

(b) **Class, type and distinctive designation.** The advertisement shall contain a conspicuous statement of the class and type, or other designation of the product, corresponding with the complete designation which appears on the brand label of the product.

(c) **Retail establishments.** Advertisements by retail establishments which merely refer to the availability of wine in such establishments

but which otherwise make no reference to a specific brand of wine shall be subject only to the "Prohibited Statements" provisions of Section 150.05 of the regulations.

(d) Advertising of price and size. Advertisements of wine by vendors, which show liquor store prices, shall use the phrase "Retail Price" in quoting the current Pennsylvania Liquor Store retail price. Where reference to licensee discount is made the advertisement shall display the following conspicuous statement: "Discount to Licensees," and such phrase should appear on the line below "Retail Price."

No wholesale prices shall be shown in wine advertisements except that direct mail advertisements to licensees, of Special Liquor Order Merchandise, may show the total wholesale case price as released by the Board.

A quart shall be advertised as "Quart," a $4/5$ quart as "Fifth" or " $4/5$ Quart" and a pint as "Pint," etc., and all characters shall be of the same size.

Section 150.04. Lettering. (a) Conspicuousness of mandatory statements. Statements required by these regulations to be stated in any written, printed, or graphic advertisement shall appear in lettering or type of a size, kind and color sufficient to render them both conspicuous and readily legible.

In particular:

(1) Required information shall be stated against a contrasting background and in a type of lettering which is at least the equivalent of eight-point type.

(2) Required information shall be so stated as to appear to be a part of the advertisement and shall not be separated in any manner from the remainder of the advertisement.

(3) Where an advertisement relates to more than one product, the required information shall appear in such manner as to clearly indicate the particular products to which it is applicable.

(4) Required information shall not be buried or concealed in unnecessary descriptive matter or decorative designs.

Section 150.05. Prohibited Statements. (a) Restrictions. An advertisement shall not contain:

(1) Any statement that is false or misleading in any material particular.

(2) Any statement that is disparaging of a competitor's products.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

(6) Any statement that the product is produced, blended, made, bottled, packed, or sold under, or in accordance with, any authorization, law or regulations of any municipality, county, or State, Federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if a municipal, county, State, or Federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) The advertisement shall not contain any statement concerning a brand or lot of wine that is inconsistent with any statement on the labeling thereof.

(8) The advertisement shall not contain any statement, design, or device representing that the use of any wine has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(9) The advertisement shall not represent that the wine was manufactured in, or imported from, a place or country other than that of the actual origin, or was produced or processed by one who was not in fact the actual producer or processor.

(10) No advertisement shall contain any statement, design, device, or pictorial representation of or relating to, or capable of being construed as relating to, the armed forces of the United States, or of the American flag, any State flag, or of any emblem, seal, insignia, or decoration associated with any such flag or the armed forces of the United States; nor shall any advertisement contain any statement, device, design, or pictorial representation of or concerning any flag, seal, coat of arms, crest, other insignia or Pennsylvania Keystone, likely to falsely lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, insignia or Pennsylvania Keystone is associated.

(11) Any statement of bonded winecellar and bonded winery numbers unless stated in direct conjunction with the name and address of the person operating such winery or storeroom. Statement of bonded winecellar and bonded winery numbers may be made in the following form: "Bonded Winecellar No. _____," "Bonded Winery No. _____," "B.W.C. No. _____," "B.W. No. _____."

No additional reference thereto shall be made, nor shall any use be made of such statement that may convey the impression that the wine has been made or matured under U. S. Government or any State Government supervision or in accordance with U. S. Government or any State Government specifications or standards.

(12) Any statement, design, device, or representation which relates to alcoholic content or which tends to create the impression that a wine is "unfortified" or has been "fortified," or has intoxicating qualities, or contains distilled spirits (except for a reference to distilled spirits in a statement of composition where such statement is

required by these regulations to appear as a part of the designation of the product).

(13) No statement of age or representation relative to age (including words or devices in any brand name or mark) shall be made, except that:

(a) In the case of vintage wine, the year of vintage may be stated if it appears on the label:

(b) Truthful references of a general and informative nature relating to methods of production involving storage or aging, such as "This wine has been mellowed in oak casks," "Stored in small barrels" or "Matured at regulated temperatures in our cellars" may be made.

(c) The statement of any bottling date shall not be deemed to be a representation relative to age, if such statement appears without undue emphasis in the following form: "Bottled in ____" (inserting the year in which the wine was bottled).

(d) No date, except as provided in paragraphs (a), (b), and (c) of this section with respect to statement of vintage year and bottling date, shall be stated unless, in addition thereto, and in direct conjunction therewith, in the same size and kind of printing there shall be stated an explanation of the significance of such date: Provided, That if any date refers to the date of establishment of any business, such date shall be stated without undue emphasis and in direct conjunction with the name of the person to whom it refers.

(14) Any statement, picture, or illustration referring to religious holidays, such as Easter, Holy Week, or to "Santa Claus" (including names synonymous with "Santa Claus"): Provided, That nothing herein shall operate to prohibit references to the Christmas holiday season if such references do not include statements, pictures, or illustrations on strictly religious themes; and provided further, That nothing in this paragraph shall prohibit the use of statements, pictures, or illustrations alluding to the traditional use of wine, or the historical development of the wine growing industry in connection with the establishment of early religious communities or districts which may be associated with religious origins or development.

(15) Any statement, picture, or illustration implying that the consumption of wine enhances athletic prowess, or any statement, picture, or illustration referring to any known athlete, if such statement, picture or illustration implies, or if the reader may reasonably infer, that the use of wine contributed to such athlete's athletic achievements.

(16) Any picture or illustration of a person which is immodest, undignified or in bad taste.

(17) Any picture or illustration depicting the use of wine in a group or festive scene which is undignified, immodest or in bad taste.

(18) Any offer of a prize or award to a consumer upon the completion of any contest in which there is a requirement to purchase the advertised product: Provided, that no wine advertisement shall promote a game of chance or a lottery.

Section 150.06. Cooperative Advertising. There shall be no cooperative advertising as between producer, bottler, importer, or wholesaler and a retailer of wine.

Section 150.07. General Prohibition. All types of advertising not specifically permitted are prohibited.

The advertising of anything which is unlawful is prohibited.

The Board shall have power to investigate and to order the immediate discontinuance of any acts in violation of the provisions of this regulation which may be revealed by such investigation.

Nothing herein contained shall exclude any other enforcement power granted the Board either by the provisions of the Liquor Code or any regulations adopted pursuant thereto.

Section 150.08. Severability. The section of this regulation shall be deemed severable. Should any section be deemed by judicial opinion or legislative enactment to be invalid, unconstitutional or in any manner contrary to the laws of this Commonwealth, such opinion or enactment shall invalidate only that particular section of the regulation and all other sections shall remain in full force and effect.

It should be noted that the above regulation does not include all prohibitions set forth in the Liquor Code. Some of these prohibitions are:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees. The term "Licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful

(18) Displaying Price of Liquor or Malt or Brewed Beverages. For any restaurant, hotel or club liquor licensee, or any importing distributor, distributor or retail dispenser, or the servants, agents or employes of such licensees, to display on the outside of any licensed premises or to display any place within the licensed premises where it can be seen from the outside, any advertisement whatsoever referring, directly or indirectly, to the price at which the licensee will sell liquor or malt or brewed beverages.

(19) Licensee's Outside Advertisements. For any retail liquor licensee or any retail dispenser, distributor or importing distributor, to display in any manner whatsoever on the outside of his licensed premises, or on any lot of ground on which the licensed premises are situate, or on any building of which the licensed premises are a part, a sign of any kind, printed, painted or electric, advertising any brand of liquor or malt or brewed beverage, and it shall be likewise unlawful for any manufacturer, distributor and importing distributor, to permit the display of any sign which advertises either his products or himself on any lot of ground on which such licensed premises are situate, or on any building of which such licensed premises are a part.

(24) Things of Value Offered as Inducement. For any licensee under the provisions of this article, or the Board or any manufacturer, or any employe or agent of a manufacturer, licensee, or of the Board, . . . to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of liquor or malt or brewed beverage, or for any other purpose whatsoever in connection with the sale of such liquor or malt or brewed beverage, or for any licensee, manufacturer or other person to offer or give to trade or consumer buyers any prize, premium, gift or other similar inducement, except advertising novelties of nominal value which the Board shall define.
(Non-pertinent matter deleted).

4. SPIRITUOUS AND VINOUS LIQUOR TAX LAW

Act 6 of December 5, 1933, P. L. 38 (1933-34); amended by Act
of December 22, 1933, P. L. 91 (1933-34); amended by Act
434 of June 27, 1947, P. L. 1020).

AN ACT

imposing State taxes, payable by those herein defined as
manufacturers and importers, on the privilege of manu-
facturing, selling, or using in this Commonwealth alcohol
usable for beverage purposes and certain spirituous and
vinous liquors; providing for the collection of the taxes, and
the manner of making payment thereof; conferring powers
and imposing duties on certain State officers and depart-
ments, and upon manufacturers, importers and upon those
using or engaging in the sale of such alcohol and such
spirituous and vinous liquors; authorizing refunds or ex-
emptions in certain cases, and making an appropriation
therefor; and providing penalties.

Section 1. Short Title.—Be it enacted, &c., That this
act shall be known, and may be cited, as the "Spirituous and
Vinous Liquor Tax Law."

**Spirituous
and Vinous
Liquor Tax
Law**

Section 2. Definitions.—The following words, terms,
and phrases, when used in this act, shall have the meanings
described to them in this section, except in those instances
where the context clearly indicates a different meaning.

Definitions

"Association." A partnership, limited partnership, or any
other form of unincorporated enterprise owned by two or
more persons.

Association

"Container." Any receptacle, vessel, or cask, barrel, drum,
can or bottle, or other form of package used for the
transferring or shipment of distilled spirits, rectified spirits,
or wines.

Container

"Corporation." A corporation or joint stock association or-
ganized under the laws of this Commonwealth, the United
States, or any other state, territory, or foreign country or
dependency.

Corporation

"Department." The Department of Revenue of this Com-
monwealth.

Department

"Distilled Spirits." Any alcohol, other than denatured
alcohol unfit for beverage purposes, and any liquid usable for
beverage purposes which contain more than one-half of one
per cent. of alcohol by volume, obtained by distillation or any
process of evaporation, mixed with water and other substances
in solution, including brandy, rum, whiskey, gin, and any
other alcoholic beverage, obtained as aforesaid, by whatever
name such beverage may be called. All wines containing
more than twenty-four (24) per cent. absolute alcohol by
volume shall be classed as "distilled spirits" for the purpose
of this act.

**Distilled
Spirits**

Gallon

"Gallon." A liquid measure containing two hundred thirty-one (231) cubic inches.

Importer

"Importer." Any person who or which—

1. Imports or causes to be imported from any other state or territory of the United States, or from any foreign country, distilled spirits, rectified spirits, or wines for his own use in the Commonwealth of Pennsylvania, or for sale and delivery in and after reaching the Commonwealth, other than in the original package, receptacle, or container.

2. Imports or causes to be imported from any other state or territory of the United States, or from any foreign country, distilled spirits, rectified spirits, or wines for his own use in the Commonwealth of Pennsylvania, or for sale or delivery therein, after the same have come to rest or storage therein, whether or not in the original package, receptacle, or container.

3. Purchases or receives distilled spirits, rectified spirits, or wines in the original package, receptacle, or container in the Commonwealth of Pennsylvania for his own use, or for sale and delivery therein, from any person who has imported the same from a foreign country.

4. Purchases or receives distilled spirits, rectified spirits, or wines in the original package, receptacle, or container in the Commonwealth of Pennsylvania for his own use therein, or for sale and delivery therein, from any person who has imported the same from any other state or territory of the United States, in case such distilled spirits, rectified spirits, or wines have not, prior to such purchase or receipt, come to rest or storage in the Commonwealth of Pennsylvania.

5. Receives and, in any manner, uses or distributes distilled spirits, rectified spirits, or wines in the Commonwealth of Pennsylvania where the tax provided in this act has not been previously paid.

In bond

"In bond." Distilled spirits, rectified spirits, and wines shall be construed to be "in bond" when they are lodged or stored in any place or warehouse, designated or defined from time to time by or pursuant to any act of Congress as a bonded winery, distillery, warehouse, general bonded warehouse or special bonded warehouse, under bond of the owner thereof conditioned upon the payment of taxes due thereon to the United States.

Manufacturer

"Manufacturer." Any person, association, or corporation engaged in the producing, manufacturing, distilling, rectifying or compounding of distilled spirits, rectified spirits, or wines in this Commonwealth.

Person

"Person." Every natural person, association, or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term "person," as applied to "association," shall mean the partners or members thereof, and, as applied to "corporation," shall mean the officers thereof.

"Proof Gallon." A gallon of liquid which contains one-half ($\frac{1}{2}$) of its volume of alcohol of a specific gravity of seven thousand nine hundred thirty-nine ten thousandths (7939) at sixty degrees (60°) fahrenheit.

Proof Gallon

"Rectified Spirits." Any beverage containing more than one-half of one per cent. of alcohol by volume, obtained by rectification, redistillation, refining, or purifying of distilled spirits or wines by any process other than by original and continuous distillation from mash, wort or wash through continuous closed vessels and pipes until the manufacture thereof is completed, or by mixing distilled spirits, wines, or other liquor with any materials, or with any other distilled spirits, wines, or other liquor, thereby producing any spurious, imitation, blended or compound alcoholic liquor.

**Rectified
Spirits**

"Secretary." The Secretary of Revenue of this Commonwealth, or his duly authorized deputy or representative.

Secretary

"Spirituuous and Vinous Liquors." Distilled spirits, rectified spirits, and wines, as defined in this section.

**Spirituuous
and Vinous
Liquors**

"Wines." Any beverage containing more than one-half of one per cent. and not more than twenty-four (24) per cent. absolute alcohol by volume, obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar, including all natural wines and fortified wines within the above limits, but not including any beverage known as beer, lager beer, ale, porter, or similar fermented malt liquor obtained by alcoholic fermentation of an infusion or decoction of barley, malt, and hops in water. The singular shall include the plural, and the masculine shall include the feminine and neuter.

Wines

Section 3. (As amended by Act 17 of December 22, 1933, P. L. 91 (1933-34)) **Imposition of Tax.**—(a) Except as otherwise in this act provided, every manufacturer shall be subject to pay to the Commonwealth of Pennsylvania the taxes imposed in this section for the privilege of producing, manufacturing, distilling, rectifying or compounding distilled spirits, rectified spirits, or wines in this Commonwealth when such distilled spirits, rectified spirits, or wines are withdrawn from bond or, if not required by act of Congress to be stored or placed in bond, when prepared for market or for use in the manufacture or production of any beverage intended for sale.

**Imposition
of tax on
manufacturer**

Such taxes shall be measured by the amount of such distilled spirits, rectified spirits, and wines so produced, manufactured, distilled, rectified or compounded by the manufacturer on or after the effective date of this act, and shall be computed thereon at the following rates:

Rate of tax

On distilled spirits, one dollar (\$1) per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon.

**On distilled
spirits**

On rectified spirits, thirty cents (\$.30) per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine

**On rectified
spirits**

gallon, in addition to the tax imposed herein on the privilege of manufacturing or producing, using or selling within the Commonwealth the distilled spirits or wines from which said rectified spirits are produced, manufactured or compounded.

On wines

On wines, one-half cent (\$.005) per unit of proof per wine gallon, and a proportionate tax at a like rate on all fractional parts of such wine gallon.

Provided, however, That the rate of tax on the privilege of manufacturing, producing or distilling in this Commonwealth distilled spirits or wines until January first, one thousand nine hundred thirty-four, shall be two dollars on each proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, and that until January first, one thousand nine hundred thirty-four, the tax of thirty cents (\$.30) per proof gallon, or wine gallon when below proof, shall not be imposed for the privilege of rectifying spirits.

Imposition
of tax on
Importer

(b) Except as otherwise in this act provided, every importer shall be subject to pay to the Commonwealth of Pennsylvania the taxes imposed in this section for the privilege of selling or using in this Commonwealth distilled spirits, rectified spirits, or wines brought into this Commonwealth. Such taxes shall be measured by the amount of such distilled spirits, rectified spirits, and wines so sold or used by the importer in this Commonwealth on or after the effective date of this act, except as hereinafter provided, and shall be computed thereon at the following rates:

Rate of tax
on distilled
spirits

On distilled spirits, one dollar (\$1) per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon.

On rectified
spirits

On rectified spirits, one dollar and thirty cents (\$1.30) per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon.

On wines

On wines, one-half cent (\$.005) per unit of proof per wine gallon, and a proportionate tax at a like rate on all fractional parts of such wine gallon.

Provided, however, That until the first day of January, one thousand nine hundred thirty-four, the rate of tax for the privilege of selling or using in this Commonwealth distilled spirits, rectified spirits, or wines brought into this Commonwealth, shall be two dollars on each proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, unless a tax shall have been paid upon the privilege of producing, manufacturing, distilling, rectifying or compounding such distilled spirits, rectified spirits, or wines under clause

(a) of this section, or unless a floor tax shall have been paid upon such distilled spirits, rectified spirits, or wines under the provisions of act number one, approved the twenty-second day of November, one thousand nine hundred and thirty-three, entitled "An act imposing a State floor tax on alcohol usable for beverage purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and

the date the Twenty-first Amendment to the Constitution of the United States is ratified; describing the method and manner of collection of such tax; conferring powers and imposing duties on certain State officers and departments, and on certain individuals, firms and corporations; and imposing penalties."

Also provided, that the tax imposed by this section shall not be payable on the privilege of manufacturing or bringing into this Commonwealth any distilled spirits and wines sold to, or used by, any manufacturer or importer in this Commonwealth for the manufacture of rectified spirits whenever the manufacture of such rectified spirits is exempt from tax under the following provisions of this act.

Exception

Section 4. Monthly Reports and Payments of Tax by Manufacturer; Penalty.—For the purpose of ascertaining the amount of taxes payable under this act by manufacturers, it shall be the duty of each manufacturer, on or before the fifteenth day of each month, to transmit to the department, upon a form prepared and furnished by the department, a report, under oath or affirmation, of the distilled spirits, rectified spirits, and wines withdrawn from bond, or, if not required by act of Congress to be stored or placed in bond, prepared for market or for use in the manufacture or production of any beverage intended for sale by him within this Commonwealth, during the preceding month. Such reports shall show the number of proof gallons or wine gallons of alcoholic beverages withdrawn from bond, or, if not required by act of Congress to be stored or placed in bond, prepared for market or for use in the manufacture or production of any beverage intended for sale, during the period for which it is made, and such further information as the department shall prescribe.

Monthly reports

Every manufacturer, at the time of making each report required by this section, shall compute and pay to the department the tax due by him to the Commonwealth under the provisions of this act. The amount of all taxes imposed under the provisions of this act for every month shall be due and payable on the fifteenth day of the next succeeding month, and shall bear interest at the rate of one (1) per cent. per month, or fractional part of the month, from the day they were due and payable until paid.

Payment of tax

If any manufacturer shall neglect or refuse to make any report or payment as herein required, an additional ten per centum of the amount of taxes shall be added by the department, and collected as hereinafter provided, and, in addition thereto, the Pennsylvania Liquor Control Board, at the request of the department, may suspend any permit issued by it to such manufacturer.

Penalty

Section 5. (As amended by Act 434 of June 27, 1947, P. L. 1020) Determination and Redetermination of Taxes, Penalty, and Interest Due by Manufacturers.—

Determination of taxes

(a) If the department is not satisfied with the report and payment of taxes made by any manufacturer under the pro-

visions of this act, it is hereby authorized and empowered to make a determination of the taxes due by such manufacturer, based upon the facts contained in the report, or upon any information within its possession or that shall come into its possession.

Petition for
redetermination

(b) Promptly after the date of any such determination, the department shall send, by registered mail, a copy thereof to such manufacturer. Within ninety (90) days after the date upon which the copy of any such determination was mailed, such manufacturer may file with the department a petition for redetermination of such tax. Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination, and shall be supported by affidavit that it is not made for the purpose of delay, and that the facts therein set forth are true. It shall be the duty of the department, within six (6) months after the date of any determination, to dispose of any petition for redetermination. Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department.

Petition for
review

(c) Within sixty (60) days after the date of mailing of notice by the department of the action taken on any petition for redetermination filed with it, the manufacturer, against whom such determination was made, may, by petition, request the Board of Finance and Revenue to review such action. Every petition for review filed hereunder shall state specifically the reasons upon which the petitioner relies, or shall incorporate, by reference, the petition for redetermination in which such reasons shall have been stated. The petition shall be supported by affidavit that it is not made for the purpose of delay, and that the facts therein set forth are true. If the petitioner be a corporation, joint-stock association or limited partnership, the affidavit must be made by one of the principal officers thereof. A petition for review may be amended by the petitioner at any time prior to the hearing thereon as hereinafter provided. The Board of Finance and Revenue shall act finally in disposition of such petitions filed with it within six (6) months after they have been received, and in the event of the failure of said board to dispose of any such petition within six (6) months, the action taken by the department upon the petition for redetermination shall be deemed sustained. The Board of Finance and Revenue may sustain the action taken on the petition for redetermination, or it may redetermine the taxes due upon such basis as it shall deem according to law and equity. Notice of the action of the Board of Finance and Revenue shall be given, by mail or otherwise, to the department and to the petitioner.

Appeal

(d) The Commonwealth of Pennsylvania or any person aggrieved by the decision of the Board of Finance and Revenue, or by the board's failure to act upon his petition for review within six (6) months, may, within sixty (60) days appeal to the court of common pleas of Dauphin County from the decision of the Board of Finance and Revenue, or from the decision of the department, as the case may be, in

the manner now or hereafter provided by law for appeals in the case of tax settlement.

(c) If any manufacturer shall neglect or refuse to make any report and payment of taxes required by this act, the department shall estimate the tax due by such manufacturer, and determine the amount due by him for taxes, penalties, and interest thereon, as prescribed herein, from which determination there shall be no right of review or appeal.

Estimated tax

Section 6. Labels to Be Affixed to Containers by Manufacturers.—Every manufacturer shall affix, to each container in which distilled spirits, rectified spirits, or wines are placed for sale, a label, setting forth the name of the manufacturer, the place where, and, until January first, one thousand nine hundred and thirty-four, the date, upon which the contents of such containers were produced, manufactured, distilled, rectified or compounded, and, unless such spirits or wines are tax exempt, the words "Pennsylvania Spirituous and Vinous Liquor Tax Paid." Such label shall be affixed in such manner that its removal shall require the continued application of steam or water.

Labels

Section 7. Spirituous and Vinous Liquor Tax Stamps; Penalties.—The payment of taxes herein provided to be paid by importers under the provisions of this act shall be evidenced by the affixing of "spirituous and vinous liquor tax stamps" to the containers in which all such beverages are intended for sale or use. Such stamps shall be affixed by importers to each individual container in which such beverages are intended for sale or use before such beverages are sold or used within this Commonwealth, unless a label has already been affixed to such container evidencing the payment of the floor tax imposed by Act No. 1, approved November 22, 1933.

Tax Stamps

Any importer who shall fail to affix to the containers of such beverages the stamp as required by this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than two hundred dollars (\$200) or more than one thousand dollars (\$1,000) and costs of prosecution, or to undergo imprisonment for a term of not less than six (6) months or more than three (3) years, or both, in the discretion of the court.

Penalty

Any importer who shall be convicted of a misdemeanor under this section shall, in addition to the punishment heretofore described, be adjudged to pay to the Commonwealth the taxes due, together with interest at the rate of one (1) per cent. per month, or fraction of a month, from the date when said taxes were due and payable. Such adjudication shall be certified to the prothonotary, and shall be indexed as and have the effect of a judgment for the amount of such tax and interest.

Additional penalty

Section 8. Sale of Stamps and Reports by Importers.—The department shall prescribe, prepare, and furnish such stamps as it deems necessary for the payment of the taxes to be paid by importers under the provisions of this act. The de-

Sale of stamps

**Appointment
of agents**

partment shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary.

The department may appoint persons, within or without the Commonwealth, as agents for the sale of stamps to be used in paying the taxes herein imposed; and whenever the department shall sell, consign, or deliver to any such agent any such stamps for sale or use, the agent shall be entitled to receive as compensation for his services and expenses as such agent, and to retain out of the moneys to be paid by him for such stamps, a commission of one-half of one-per cent. of the face-value thereof. The department is hereby authorized and required to allow such commission or compensation in the settlements of the accounts of such agent upon payment by him into the State Treasury, through the department, of any moneys which may be or become due to the Commonwealth by reason of the sale, delivery, or consignment to such agent of such stamps.

**Monthly
reports**

For the purpose of verifying the stamp requirements of this act, it shall be the duty of every importer, on or before the tenth day of each month, to transmit to the department, on forms prepared and supplied by the department, a report, under oath or affirmation, of all spirituous and vinous liquors imported and sold or used by the importer in this Commonwealth, and such other information as the department shall prescribe.

**Manner of
Affixing
Stamps**

Section 9. Manner of Affixing Stamps.—Stamps shall be affixed in such manner that their removal shall require continued application of steam or water.

**Purchase and
use of stamps
by foreign
vendors**

Section 10. Purchase and Use of Stamps by Foreign Vendors.—Producers or other vendors of distilled spirits, rectified spirits, and wines from without this Commonwealth may purchase stamps from the department and affix them, in the manner prescribed by the department, to original containers in which such beverages are to be sold in this Commonwealth, in which case the recipient of such beverages within this Commonwealth shall not be required to purchase and affix stamps thereon or pay the taxes herein imposed upon the privilege of selling or using such beverages within this Commonwealth.

**Counter-
feiting**

Section 11. Counterfeiting of Stamps; Penalty.—Any person who falsely or fraudulently makes, forges, or alters or counterfeits any stamp prescribed by the department under the provisions of this act, or causes or procures to be falsely or fraudulently made, forged, altered or counterfeited any such stamp, or knowingly and wilfully utters, publishes, passes or tenders as true any such false, altered, forged or counterfeited stamp, or uses more than once any stamp provided for and required by this act, for the purpose of evading the tax hereby imposed and assessed, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to undergo imprisonment for a term of not less than two (2) years or more than five (5) years.

Penalty

Section 12. Examination of Records, Equipment and Stock.—The department, or any agent appointed by it, is hereby authorized, at any time, to examine the books, papers, invoices, other records and manufacturing equipment pertaining to, and stock of, distilled spirits, rectified spirits, and wines in and upon any premises where the same are placed, stored or sold, either by manufacturers or importers or any other person, to verify the accuracy of any report required to be made by this act or payment of, or liability for, the taxes imposed by this act. Any person in possession of such beverages is hereby directed and required to give the Secretary of Revenue, or his duly authorized representative, the means, facilities and opportunity for such examinations.

**Examination
by Department
agents**

The department is hereby authorized to furnish any information obtained by it in the exercise of its duties under the provisions of this act, concerning distilled spirits, rectified spirits, and wines manufactured in or imported into this Commonwealth, to the proper authorities of this or of any other state, territory, or the United States, and to obtain similar information from the proper authorities of any other state, territory, or the United States.

**Furnishing
information to
other authori-
ties**

Section 13. Acceptance of Beverages Not Bearing the Labels or Stamps Required by This Act.—It shall be unlawful for any retail dealer, consumer, or any person, other than an importer, to accept delivery of distilled spirits, rectified spirits, or wines in containers upon which the labels required to be affixed by manufacturers, or the stamps required to be affixed by importers, under the provisions of this act or of Act number one, approved November twenty-two, one thousand nine hundred thirty-three, do not appear, and, upon conviction thereof in a summary proceeding before a magistrate, alderman, or justice of the peace, he shall be fined twenty-five dollars (\$25), and, in default of payment thereof, shall undergo imprisonment for not more than ten (10) days.

**Acceptance of
Untaxed Bev-
erage**

Section 14. Uncollectible Checks.—Whenever any check, issued in payment of tax, penalty, or interest imposed by this act, shall be returned to the department as uncollectible, the department shall charge a fee of five dollars (\$5) per one hundred dollars (\$100), or fractional part thereof, plus all protest fees, to the person presenting such check to the department.

Penalty

**Uncollectible
checks**

Section 15. Retention of Records by Manufacturers and Importers.—Each manufacturer and importer shall maintain and keep, for such period as may be required by the department, such record or records of distilled spirits, rectified spirits, and wines produced, manufactured, distilled, rectified or compounded in or imported into this Commonwealth by him, together with invoices, bills of lading, and other pertinent papers, as may be required by the department.

**Retention of
records**

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of one thousand dollars

Penalty

(\$1,000), and costs of prosecution, or to undergo imprisonment for not more than one year, or both, in the discretion of the court.

Violations

Section 16. Violations.—(a) Any person who shall fail, neglect, or refuse to make the report and pay the taxes, penalties, and interest imposed by this act, or who shall refuse to permit the department, or any agent appointed by it in writing, to examine his books, records, invoices, other papers and manufacturing equipment pertaining to, and stock of distilled spirits, rectified spirits, and wines within this Commonwealth, or who shall make any incomplete, false or fraudulent report, or who shall attempt to do anything whatsoever to avoid a full disclosure of the amount of distilled spirits, rectified spirits, and wines by which the taxes under this act are measured, or to avoid the payment of the whole or any part of the taxes, penalties, and interest due, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), and costs of prosecution, and to undergo imprisonment for not less than six (6) months or more than three (3) years. Such fine shall be in addition to any penalty imposed by any other section or subsection of this act.

False report**False label**

(b) Any person who shall falsely label any container in which distilled spirits, rectified spirits, or wines are placed for sale, or use a false or fictitious name or give a false or fictitious address in any application or form required under the provisions of this act or otherwise commit a fraud in any application, record or report, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000), and costs of prosecution, or undergo imprisonment for not less than six (6) months or more than three (3) years, or both, in the discretion of the court. Such fine shall be in addition to any penalty imposed by any other section or subsection of this act.

P.L.C.B. license

(c) Upon the conviction of any person of any of the misdemeanors described in this section, the Pennsylvania Liquor Control Board, at the request of the department, may revoke any permit issued by it to such person.

Enforcement

Section 17. Enforcement.—The department is hereby charged with the enforcement of the provisions of this act, and is hereby authorized and empowered to prescribe, adopt, promulgate, and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act, and the collection of taxes, penalties, and interest imposed by this act.

Disposition of monies

Section 18. Disposition of Tax, Fees, Fines and Interest.—All taxes, fines, penalties and interest, received, collected or accruing under the provisions of this act, shall be paid into the General Fund of the State Treasury by and through the department.

Section 19. (*As amended by Act 17 of December 22, 1933, P. L. 91 (1933-34)*) **Exemption from Tax.**—No taxes shall be imposed or collected under the provisions of this act upon the privilege of producing, selling, or using such distilled spirits, rectified spirits, and wines as are sold to, or sold or used, by the Commonwealth, or are sold to the United States, or any governmental agency thereof, or for the use of any university or college of learning, any laboratory for use exclusively in scientific research, or any hospital, sanatorium, or eleemosynary dispensary.

**Exemption
from tax**

Section 20. Other Exemptions.—No tax shall be imposed under the provisions of this act upon the privilege of manufacturing or selling any wine for, to, or by the holder of a sacramental wine permit; or upon the privilege of manufacturing or selling any distilled spirits, rectified spirits, or wines for or to pharmacists, duly licensed and registered under the laws of this Commonwealth, or manufacturing pharmacists or chemists or other persons for use in the manufacture or compounding of preparations unfit for beverage purposes; or upon the privilege of manufacturing, importing, storing or using alcohol in the manufacture or production of denatured alcohol in accordance with the laws of the Congress of the United States and regulations issued pursuant thereto.

**Other
exemptions**

Section 21. Refunds and Exemptions; Appropriation.

—(a) Upon application to the Board of Finance and Revenue, the board shall refund to any manufacturer who has paid the tax imposed by this act on the privilege of producing, manufacturing, distilling, rectifying or compounding distilled spirits, rectified spirits, or wines shipped to dealers outside of this state the difference between the tax paid and the tax which would have been payable, at the lowest rate of tax, upon the same privilege imposed by any other state or insular possession of the United States which is in substantial competition with this State in the production, manufacture, distilling, rectifying or compounding of distilled spirits, rectified spirits, or wines of the kind, for the privilege of producing or manufacturing which, the applicant paid the tax; and if any such state or insular possession imposes no tax upon such privilege when the product is shipped out of the state or possession, then the board shall refund to the applicant the entire tax paid.

**Refunds and
exemptions**

Reciprocal tax

(b) Any producer, manufacturer, distiller, rectifier or compounder of distilled spirits, rectified spirits, or wines may, at any time, file with the board a petition, setting forth the same facts which would be necessary to sustain a claim for refund under clause (a) hereof, and requesting the board to certify its findings to the department. If the board shall find that any state is in competition, as alleged in the petition, it shall immediately certify its finding to the department, together with such facts as are pertinent, and thereafter the department shall permit exemptions, equal in amount to the refunds which would be payable under the preceding clause,

Petition

until such time as new information indicates that a change has occurred in the facts presented to the Board of Finance and Revenue. As new facts are from time to time certified to the department by the Board of Finance and Revenue, the department shall modify or cancel the exemptions theretofore allowed.

Appropriation

(c) As much of the revenue accruing from this act as is necessary is hereby appropriated to the Board of Finance and Revenue for the payment of the refunds authorized by clause (a) hereof.

Mandamus proceeding

(d) Upon the refusal of the board to grant refunds, or certify findings and facts to the department, any person aggrieved thereby may institute mandamus proceedings in the court of common pleas of Dauphin County.

Constitutionality

Section 22. Constitutional Construction.—The provisions of this act are severable, and if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein.

Effective date and period

Section 23. (As amended by Act 17 of December 22, 1933, P. L. 91 (1933-34)) Effective Date and Effective Period.—This act shall become effective the day after the day the Twenty-first Amendment to the Constitution of the United States is ratified by conventions in at least three-fourths of the several states.

This act shall cease to be effective upon the effective date of any act of Congress providing for participation by the states, or by those states which do not tax distilled spirits, in the proceeds of the tax imposed and collected by the United States upon distilled spirits.

5. MALT BEVERAGE TAX LAW

(Act 104 of May 5, 1933, P. L. 284; amended by Act 212 of July 9, 1935, P. L. 628; amended by Act 119 of April 29, 1937, P. L. 527; amended by Act 184 of July 24, 1941, P. L. 477; amended by Act 101 of May 14, 1947, P. L. 247; amended by Act 345 of June 21, 1947, P. L. 801; amended by Act 430 of May 18, 1949, P. L. 1459; amended by Act 113 of May 29, 1951, P. L. 481; amended by Act 51 of June 2, 1965, P. L. 64)

AN ACT

Imposing a State tax, payable by those herein defined as manufacturers and by others, on malt or brewed beverages used, sold, transported or delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation of malt or brewed beverages taxable hereunder; and providing penalties.

Section 1. Be it enacted, &c., That this act shall be known, and may be cited, as the "Malt Beverage Tax Law."

Section 2. (*As amended by Act 51 of June 2, 1965, P. L. 64*) The following words, terms, and phrases, when used in this act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Malt or Brewed Beverages." Alcoholic beverages, which include beer, lager beer, ale, porter, or similar fermented malt liquor, containing one-half of one per centum or more of alcohol, by whatever name such liquors may be called.

"Department." Department of Revenue of this Commonwealth.

"Distributor." A person engaged in the purchase and resale of malt or brewed beverages in the original sealed packages as prepared for market by the manufacturer, including any who or which—

1. Imports or causes to be imported from any other state or territory of the United States, or from any foreign country, malt or brewed beverages for his own use in the Commonwealth of Pennsylvania, or for sale and delivery in and after reaching the Commonwealth.

2. Imports or causes to be imported from any other state or territory of the United States, or from any foreign country, malt or brewed beverages for his own use in the Commonwealth of Pennsylvania, or for sale or delivery therein, after the same have come to rest or storage therein, in the original package, receptacle, or container.

3. Purchases or receives malt or brewed beverages in the original package, receptacle, or container in the Commonwealth of Pennsylvania for his own use, or for sale and delivery therein, from any person who has imported the same from a foreign country.

4. Purchases or receives malt or brewed beverages in the original package, receptacle, or container in the Commonwealth of Pennsylvania for his own use therein, or for sale and delivery therein, from any person who has imported the same from any other state or territory of the United States, in case such malt or brewed beverages have not, prior to such purchase or receipt, come to rest or storage in the Commonwealth of Pennsylvania.

"Manufacturer." A person engaged in the brewing or manufacturing of malt or brewed beverages for sale, and for the purposes of posting bond and payment of taxes required under the provisions of this act, shall include importing agents for foreign manufacturers.

"Original Container." Bottle, cask, keg, or other container that has been securely capped, sealed, or corked by the manufacturer, with the name and address of the manufacturer permanently affixed to the bottle, cask, keg, or other container, or to the cap or cork used in sealing the same, or to a label securely affixed to a bottle.

"Person." An individual or an unincorporated association, including a partnership, a limited partnership, or any other form of unincorporated enterprise owned by two or more individuals, or a corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person," as applied to a partnership, limited partnership, or any other form of unincorporated enterprise, shall mean the partners or members thereof, and, as applied to corporations, the officers thereof.

"Retail Dealer." A person engaged in the retail sale of malt or brewed beverages either for consumption on the premises or not for consumption on the premises where sold.

"Sale." Any transfer for a consideration, exchange, barter, gift, offer for sale, and distribution, in any manner or by any means whatsoever.

The singular shall include the plural, and the masculine shall include the feminine and the neuter.

Section 3. (*As amended by Act 119 of April 29, 1937, P. L. 527; Act 184 of July 24, 1941, P. L. 477; Act 101 of May 14, 1947, P. L. 247; Act 430 of May 18, 1949, P. L. 1459; Act 113 of May 29, 1951, P. L. 481 and Act 51 of June 2, 1965, P. L. 64*) (a) Each manufacturer shall be subject to pay to the Commonwealth the taxes imposed by this section upon all malt or brewed beverages manufactured and sold by him in this Commonwealth for use in this Commonwealth or manufactured by him outside this Commonwealth and sold to an importing distributor or any person for importation into, and use in, this Commonwealth. Every person who ships or transports malt or brewed beverages into this Commonwealth for sale, delivery or storage in this Commonwealth shall pay to the Commonwealth the taxes imposed in this section. Such taxes, payable in the manner

prescribed in subsections (a) and (b) of section 4 of this act, shall be at the rate of two third cent ($2/3\text{¢}$) per half pint of eight (8) fluid ounces or fraction thereof, and in larger quantities at the rate of one cent (1¢) per pint of sixteen (16) fluid ounces or fraction thereof.

The tax rates per original container or standard fraction thereof are as follows:

Standard Fraction	Malt Beverage Tax Rate	Volume
1 barrel	\$2.48	31 gal.
1/2 barrel	1.24	15 1/2 gal.
1/3 barrel	.84	10 1/3 gal.
1/4 barrel	.62	7 3/4 gal.
1/6 barrel	.42	5 1/6 gal.
1/8 barrel	.32	3 7/8 gal.
1 gallon	.08	
1/2 gallon	.04	
1 quart	.02	
1 pint	.01	
1/2 pint	.0066	

(a.1) If the tax shall not be paid when due, there shall be added to the amount of the tax as a penalty a sum equivalent to ten per cent (10%) thereof, and in addition thereto interest on the tax and penalty at the rate of one per cent (1%) per month or fraction of a month from the date the tax became due until paid. Nothing herein contained shall be construed to relieve any person otherwise liable from liability for payment of the tax.

(b) In the event that any state, territory or country shall impose upon malt or brewed beverages, which have been manufactured in Pennsylvania, a higher tax or fee than is imposed upon malt or brewed beverages manufactured within such state, territory or country, every manufacturer whose malt or brewed beverages manufactured within such state, territory or country are sold to an importing distributor or any person for importation into, and use in, this Commonwealth shall, as to such beverages, pay thereon to this Commonwealth, in addition to the tax imposed by this section, a tax equal to such excess tax or fee which is imposed in such state, territory or country on Pennsylvania manufactured malt or brewed beverages. Such additional tax shall be levied, assessed, and collected in the same manner as the other taxes imposed by this act.

(c) Manufacturers whose malt or brewed beverages are sold in this Commonwealth or are sold to importing distributors or any person for importation into and use in this Commonwealth shall be liable to the Commonwealth as taxpayers for the payment of the taxes imposed by this act.

Malt Beverage Tax Law

Section 4. (As amended by Act 119 of April 29, 1937, P. L. 527; Act 345 of June 21, 1947, P. L. 801; and Act 51 of June 2, 1965, P. L. 64) (a) Each manufacturer whose malt or brewed beverages are sold in or imported into this Commonwealth shall, on or before the fifteenth day of each month, file with the department, on forms prescribed by it, a verified report showing for the preceding calendar month the quantities of such malt and brewed beverages:

(1) Manufactured by him in this Commonwealth, and constituting his beginning and ending inventory in this Commonwealth for the month;

(2) Sold by him in this Commonwealth for use in this Commonwealth or sold to an importing distributor or any person for importation into, and use in, this Commonwealth, specifically naming the distributors to whom such sales were made and the quantity sold to each;

(3) Sold to purchasers or persons outside this Commonwealth for exportation from, and use outside, this Commonwealth, or sold in other tax exempt transactions, naming the purchasers and the quantity sold to each and specifically indicating those sales or transactions to which the tax imposed by this act is not applicable;

(4) Such additional information as the department may reasonably require to assure the accuracy of the tax computation and payment and the proper administration of this act.

The tax payable on all malt or brewed beverages first sold in this Commonwealth for use in this Commonwealth or first sold to an importing distributor or any person for importation into, and use in, this Commonwealth during such month in the amount disclosed by the report shall accompany the report and be paid by the manufacturer to the department.

(b) Persons licensed as "Public Service Licensees," under the provisions of any law of this Commonwealth relating to the sale of malt or brewed beverages, shall keep such records of the sales of such malt or brewed beverages in this Commonwealth as the Department of Revenue shall prescribe; shall, on or before the fifteenth day of each month, submit monthly reports of such sales and of such other information as the department may require to the Department of Revenue upon a form prescribed therefor by said department, and shall pay the tax due on all such sales at the rate provided by the provisions of this Act at the time such reports are filed.

It is the intent and purpose of this section to require all manufacturers and other persons whose malt or brewed beverages are sold or used in this Commonwealth to pay the tax on all such malt or brewed beverages in the month following that in which such beverages are first sold in this Commonwealth for use in this Commonwealth or first sold to an importing distributor or any person for importation into and use in this Commonwealth, except that as to malt or brewed beverages sold to public service licensees, the

public service licensees, and not the manufacturer, shall report and pay the tax on all malt or brewed beverages sold by them within the Commonwealth.

(c) (*Repealed by Act 51 of June 2, 1965, P. L. 64*)

(d) If any person shall fail to pay any tax imposed by this act for which he is liable, the department is hereby authorized and empowered to make an assessment of additional tax due by such person, based upon any information within its possession, or that shall come into its possession.

(e) Promptly after the date of such assessment, the department shall send by registered mail a copy thereof to the person against whom it was made. Within ninety (90) days after the date upon which the copy of any such assessment was mailed, such person may file with the department a petition for reassessment of such taxes. Every petition for reassessment shall state specifically the reasons which the petitioner believes entitle him to such reassessment, and it shall be supported by affidavit that it is not made for the purpose of delay, and that the facts set forth therein are true. It shall be the duty of the department, within six (6) months after the date of any assessment, to dispose of any petition for reassessment. Notice of the action taken upon any petition for reassessment shall be given to the petitioner promptly after the date of reassessment by the department.

(f) Within sixty (60) days after the date of mailing of notice by the department of the action taken on any petition for reassessment filed with it, the person against whom such assessment was made, may, by petition, request the Board of Finance and Revenue to review such action. Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies, or shall incorporate by reference the petition for reassessment in which such reasons shall have been stated. The petition shall be supported by affidavit that it is not made for the purpose of delay, and that the facts therein set forth are true. If the petitioner be a corporation, joint-stock association, or limited partnership the affidavit must be made by one of the principal officers thereof. A petition for review may be amended by the petitioner at any time prior to the hearing thereon, as hereinafter provided. The Board of Finance and Revenue shall act finally in disposition of such petitions filed with it within six (6) months after they have been received, and in the event of the failure of said board to dispose of any such petition within six (6) months, the action taken by the department upon the petition for reassessment shall be deemed sustained. The Board of Finance and Revenue may sustain the action taken on the petition for reassessment, or it may reassess the tax due upon such basis as it shall deem according to law and equity. Notice of the action of the Board of Finance and Revenue shall be given by mail, or otherwise, to the department and to the petitioner.

Malt Beverage Tax Law

(g) The Commonwealth of Pennsylvania or any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon his petition for review within six (6) months may, within sixty (60) days, appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department, as the case may be, in the manner now or hereafter provided by law for appeals in the case of tax settlement.

(h) In all cases of petitions for reassessment, review or appeal the burden of proof shall be upon the petitioner or appellant, as the case may be.

(i) Whenever any assessment of additional tax is not paid within ninety (90) days after the date thereof, if no petition for reassessment has been filed, or within sixty (60) days from the date of reassessment, if no petition for review has been filed, or within sixty (60) days from the date of the decision of the Board of Finance and Revenue upon petition for review, or the expiration of the board's time for acting upon such petition, if no appeal has been made, and in all cases of judicial sales, receiverships, assignments or bankruptcies, the department may call upon the Department of Justice to collect such assessment. In such event, in a proceeding for the collection of such taxes, the person against whom they were assessed shall not be permitted to set up any ground of defense that might have been determined by the department, the Board of Finance and Revenue or by the courts as aforesaid. The department may also certify to the Liquor Control Board, for such action as the board may deem proper, the fact that any person has failed to pay or duly appeal from such assessment of additional tax. The department may also provide, adopt, promulgate, and enforce such rules and regulations, as may be appropriate, to prevent further shipment or transportation of malt or brewed beverages into this Commonwealth by any person against whom such unpaid assessment shall have been made.

Section 4.1. *(As added by Act '51 of June 2, 1965, P. L.*

64) (a) No malt or brewed beverages shall be sold in or imported into Pennsylvania until and unless the manufacturer of such malt or brewed beverages has on file with the department and in full force and effect an approved bond, duly executed, payable to the Commonwealth of Pennsylvania, together with a warrant of attorney to confess judgment in a sum equal to the amount of his highest two month average tax liability during the last year prior to the time of giving bond, but in no event less than five thousand dollars (\$5,000.00). All such bonds shall be conditioned upon the payment of the tax imposed by this act, and shall have as surety a duly authorized surety company, or shall have deposited therewith, as collateral security, cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of such bonds.

(b) In all cases where cash or securities in lieu of other surety have been deposited with the department, the depositor shall be permitted to continue the same deposit from year to year, but in no event shall he be permitted to withdraw his deposit during the time he holds a license, or until six months after the expiration of the license, if any, held by him, or while revocation proceedings are pending against such licensee, or while forfeiture proceedings are pending against the depositor's bond.

(c) All cash or securities received by the department in lieu of other surety shall be turned over by the department to the State Treasurer and held by him. The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the department.

(d) After notice from the department that such a bond has been forfeited, the State Treasurer shall immediately pay into the General Fund all cash deposited as collateral with such bond, and when securities have been deposited with such a bond, the State Treasurer shall sell at private sale, at not less than the prevailing market price, any such securities so deposited as collateral with any such forfeited bond. The State Treasurer shall thereafter deposit in the General Fund the net amount realized from the sale of such securities, except that if the amount so realized, after deducting proper costs and expenses, is in excess of the penal amount of the bond, such excess shall be paid over by him to the obligor on such forfeited bond.

(e) Every such bond shall be turned over to the Department of Justice to be collected if and when the depositor shall have been held liable for the unlawful nonpayment of taxes imposed by this act.

Section 5. (*Repealed by Act 51 of June 2, 1965, P. L. 64*)

Section 6. (*Repealed by Act 51 of June 2, 1965, P. L. 64*)

Section 7. (*As amended by Act 51 of June 2, 1965, P. L. 64*)

(a) For the purpose of verifying the tax payments required by this act, it shall be the duty of every transporter for hire, bailee for hire, warehouseman, distributor, and retail licensee, on or before the fifteenth day of the succeeding month, to transmit to the department, on forms supplied by the department, a report, under oath or affirmation, of malt or brewed beverages which were imported and came to rest or storage, at his place of business in this Commonwealth during the preceding month, or which were transported from a point outside the Commonwealth to a point within the Commonwealth. Such report shall show the number of barrels, or standard fraction thereof, imported, transported, or stored during the period for which it is made.

Malt Beverage Tax Law

and such further information as the department shall prescribe.

(b) Each manufacturer, transporter for hire, bailee for hire, warehouseman, distributor, and retail licensee shall maintain and keep, for a period of two (2) years, such record or records of malt or brewed beverages manufactured, sold by a manufacturer or distributor, transported from a point outside of the Commonwealth to a point within the Commonwealth, imported, or substantiating the other information required on his report, together with invoices, bills of lading, and other pertinent papers, as may be required by the department.

Section 8. The department, or any agent appointed in writing by it, is hereby authorized to examine the books, papers, invoices, and other records, and the stock of malt or brewed beverages in and upon any premises where the same are placed, stored or sold, and in or on any car, vessel, truck, vehicle, or other means of transportation, to verify the payment of or liability for the tax imposed by this act. Any person in possession of such malt or brewed beverages is hereby directed and required to give the Secretary of Revenue, or his duly authorized representative, the means, facilities, and opportunities for such examination. The department, or any of its duly authorized agents, is hereby authorized to confiscate any malt or brewed beverages stored, sold, or transported in violation of the provisions hereof.

Section 9. (*Repealed by Act 51 of June 2, 1965, P. L. 64*)

Section 10. (*As amended by Act 119 of April 29, 1937, P. L. 527; Act 184 of July 24, 1941, P. L. 477; and Act 51 of June 2, 1965, P. L. 64*) (a) In case any malt or brewed beverages upon which the tax has been paid by a manufacturer have been sold or shipped by him to a licensed or regular dealer in such malt or brewed beverages in another state, such manufacturer in this Commonwealth shall be entitled to a refund of the actual amount of tax paid by him, upon condition that the seller in this Commonwealth shall make affidavit that the malt or brewed beverages were so sold and shipped, and that he shall furnish from the purchaser an affidavit, or in cases where the total purchase price is five dollars (\$5.00) or less, a written certificate in lieu of an affidavit from the purchaser, or, upon satisfactory proof that such affidavit or certificate cannot be obtained, other evidence satisfactory to the department that he has received such malt or brewed beverages for sale or consumption outside the Commonwealth, together with the name and address of the purchaser.

(b) In case any malt or brewed beverages upon which the tax has been paid by a manufacturer have been sold to commissaries, ship's stores or voluntary unincorporated organizations of the armed forces personnel operating under regu-

promulgated by the Secretary of Defense, such manufacturer shall be entitled to a refund of the actual amount of tax paid by him, upon condition that he shall make affidavit and furnish proof that the malt or brewed beverages were so sold.

(c) In case any malt or brewed beverages upon which the tax has been paid by an out of State manufacturer and subsequently sold by an importing distributor to commissaries, ship's stores or voluntary unincorporated organizations of the armed forces personnel operating under regulations promulgated by the Secretary of Defense, such manufacturer shall be entitled to a refund of the actual amount of tax paid by him upon condition that he shall make affidavit and furnish proof that the malt or brewed beverages were so sold.

(d) In case any malt or brewed beverages, upon which the tax has been paid by a manufacturer shall be rendered unsaleable by reason of damage or destruction, such manufacturer shall be entitled to a refund of the actual amount of tax paid by him, upon condition that he shall make affidavit and furnish proof satisfactory to the department that the malt beverages were so damaged or destroyed.

(e) In case any malt or brewed beverages upon which the tax has been paid by a manufacturer have been sold and delivered to a public service licensee who is obligated to pay the tax thereon, such manufacturer shall be entitled to a refund of the actual amount of tax paid by him, upon condition that he shall make affidavit and furnish proof satisfactory to the department of such facts.

In each of the above cases the department shall, with the approval of the Board of Finance and Revenue, pay or issue to the manufacturer credits of sufficient value to cover the refund. Such credits may be used by the manufacturer for the payment of any taxes due by him to the Commonwealth. The procedure for refund in any case shall be completed by the Department of Revenue and the Board of Finance and Revenue within sixty days after the proper affidavits have been filed with the department.

Section 11. (As amended by Act 51 of June 2, 1965, P. L. 64). The department shall promulgate rules and regulations to relieve manufacturers from paying the tax on their goods as are sold and shipped to points outside this Commonwealth, or as are sold in other tax exempt transactions.

Section 12. (As amended by Act 119 of April 29, 1937, P. L. 527; and Act 51 of June 2, 1965, P. L. 64) It shall be unlawful for any person to transport into the Commonwealth of Pennsylvania, taxable malt or brewed beverages in containers on which the tax is not paid or provisions for the payment thereof are not made pursuant to the provisions of this act. The transportation of malt or brewed beverages

in violation of this section shall be a misdemeanor, and, upon conviction thereof in a summary proceeding before a magistrate, alderman or justice of the peace, such person shall be fined ten dollars (\$10.00) for each container so transported, and, in default of payment thereof, shall undergo imprisonment for not more than five (5) days for each container so transported. Transportation into Pennsylvania of malt or brewed beverages in containers other than in the manner prescribed by the regulations of the department, shall be prima facie evidence of violation of this section.

Section 13. Any person who shall fail, neglect, or refuse to comply with or shall violate any provision of this act, for which violation no specific penalty is provided, or any of the rules and regulations, prescribed, adopted, and promulgated by the department under the provisions of this act, or who shall refuse to permit the department, or any agent appointed by it in writing, to examine his books, papers, invoices, and other records, his stock of malt or brewed beverages in and upon any premises where the same are prepared, stored, and sold, in or on any car, vessel, truck, vehicle, or other means of transportation, and his equipment pertaining to the manufacture, transportation, storage, or sale of malt or brewed beverages taxable under this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00), or to suffer imprisonment of not more than six (6) months, or both, in the discretion of the court.

Section 14. (*Repealed by Act 51 of June 2, 1965, P. L. 64*)

Section 15. The department is hereby charged with the enforcement of the provisions of this act, and is hereby authorized and empowered to prescribe, adopt, promulgate, and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes, penalties, and interest imposed by this act.

The department is hereby authorized and directed to prescribe, adopt, promulgate, and enforce rules and regulations relating to the transportation of malt or brewed beverages through the Commonwealth and from points outside of the Commonwealth to points within the Commonwealth, and to prescribe, adopt, promulgate, and enforce rules and regulations reciprocal to those of, or laws of, any other state or territory affecting the transportation of malt or brewed beverages manufactured in Pennsylvania.

Section 16. All taxes, fines, penalties, and interest received, collected, or accruing under the provisions of this act, shall be paid into the general fund of the State Treasury by and through the department.

Section 17. The provisions of this act are severable, and, any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein.

The following sections of amending Act 51 of June 2, 1965, L. 64 provide:

Section 13. Nothing in this act shall be construed or deemed to require the payment of the tax imposed by this act more than once upon any malt or brewed beverage imported into, or sold, delivered or stored in this Commonwealth; and such tax shall not be assessed or collected more than once on any such malt or brewed beverages.

Section 14. The purchase and affixation of malt and brewed beverages tax stamps and crowns shall not be required hereafter in this Commonwealth, and all requirements pertaining to the purchase and affixation of malt and brewed beverages tax stamps and crowns are hereby abolished.

Section 15. Each manufacturer may take credit on his monthly report for the full amount of the tax paid by the affixation, before the effective date of this act, of stamps, crowns or lids to the original container of malt or brewed beverages included in the taxable transactions covered by his report. The department shall allow the manufacturer credit on his report or a refund in the amount of the tax paid for (1) tax stamps returned unused to the department within sixty days after the effective date of this act, and (2) tax crowns or lids as to which the manufacturer has submitted satisfactory proof to the department, within sixty days after the effective date of this act, that the crowns and lids were in his possession as unused inventory on the effective date of this act. For the purpose of offsetting the temporary reduction in revenue occasioned by the transition from the prepayment of tax stamps, crowns and lids to the reporting method, each manufacturer who files a bond under the provisions of subsection (a) of section 4.1 of this act shall, within six months after the effective date of this act, prepay on account of future tax liability to the department an amount in cash or its equivalent equal to such manufacturer's highest two months' tax liability for tax stamps and crowns or lids during the twelve month period ending July 31, 1965. The manufacturer may apply on account of such prepayment so much of the tax heretofore paid for stamps and crowns or lids for which he is entitled to refund or credit. The amount so prepaid shall thereafter be credited to the manufacturer's tax liability at the rate of three per cent (3%) per month until depleted, AS PROVIDED BY REGULATION OF THE DEPARTMENT OF REVENUE. The manufacturer shall, after determina-

tion of the amount of refund or credit due him for his crown and lid inventory on the effective date of this act, thereafter he permitted to use crowns or lids constituting that inventory on his malt and brewed beverages solely as proprietary crowns, or lids, without such use indicating payment of the tax.

Section 16: (a) Clause (10) of section 492, act of April 12, 1951 (P. L. 90), known as the "Liquor Code," is repealed in so far as it requires tax stamps or crowns to be affixed to containers in which malt or brewed beverages are transported.

(b) All other acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 17. This act shall take effect July 1, 1965.

6. EMERGENCY TAX LAW

(Act 4 of June 9, 1936, P.L. 13; as last amended and re-enacted by Act 112 of May 29, 1951, P.L. 479; as amended by Act 68 of June 6, 1963, P.L. 100 and Act 413 of January 1, 1968, P.L.)

AN ACT

Imposing an emergency State tax on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board.

Section 1. Be it enacted, &c., That the following words, terms, and phrases used in this act are, for the purposes hereof, defined, as follows:

"Liquor." Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain more than one-half of one per centum of alcohol by volume, except alcohol, and malt or brewed beverages.

"Department." The Department of Revenue of this Commonwealth.

"Board." The Pennsylvania Liquor Control Board of this Commonwealth.

"Fiscal Month." The monthly period established, from time to time, by the Pennsylvania Liquor Control Board for the purpose of conducting its business.

Section 2. (As amended by Act 413 of January 1, 1968, P.L.) An emergency State tax is hereby imposed and assessed at the rate of eighteen per centum of the net price of all liquors sold by the Board. The tax herein imposed shall be collected by the Board from the purchasers of the liquor from the Board. The amount of such eighteen per centum so collected by the Board, under the provisions of this act, shall be paid into the State Treasury, through the department, in the manner and within the times herein specified, and shall be credited to the General Fund.

Section 3. (As amended by Act 413 of January 1, 1968, P.L.) It shall be the duty of the Board to transmit to the department on, or before, the fifteenth day of each calendar month, a statement of its receipts from sales of liquor and taxes collected during the preceding fiscal month, and such other information as may be necessary to effectuate the provisions of this act, at which time it

Definitions

Liquor

Department

Board

Fiscal Month

Rate of Tax

**Board to
transmit
monthly
statements
to department**

Emergency Tax Law

**Alternate
method of
computing
tax**

shall be the duty of the Board to pay to the department the tax imposed upon such liquor by the provisions of this act: Provided, That the Board may, in its discretion, add the tax imposed by this act to the wholesale and retail price at which liquors are sold and eliminate any accounting of such tax separate from sale prices, and in such case, the amount of the tax for any calendar month shall be ascertained by dividing the entire gross receipts derived from sales at Pennsylvania liquor stores during such month by six and five-ninths ($6 \frac{5}{9}$), and the quotient thus obtained shall be deemed the amount of the tax for such month payable over, under this section.

**Act effective
immediately**

Section 4. This act shall become effective immediately upon its final enactment.

NOTE:

Rate of tax was changed by Act 68 of June 6, 1963,
P.L. 100 - effective June 6, 1963.

Rate of tax was again changed by Act 413 of January 1, 1968, P.L. - effective January 1, 1968.

7. EXTRACTS FROM "THE PENAL CODE"

(Act 375 of June 24, 1939, P. L. 872)

Section 302. Conspiracy To Do Unlawful Act.—Any

Conspiracy

two or more persons who falsely and maliciously conspire and agree to cheat and defraud any person of his moneys, goods, chattels, or other property, or do any other dishonest, malicious, or unlawful act to the prejudice of another, are guilty of conspiracy, a misdemeanor, and on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment, by separate or solitary confinement at labor or by simple imprisonment, not exceeding two (2) years, or both.

* * *

Section 303. (As amended by Act 218 of July 31, 1963,

Bribery

P. L. 421) Bribery of Governmental Officers and Employees; Judges, Jurors, etc.—Whoever shall directly or indirectly, or by means of and through any artful and dishonest device whatever, give or make any promise, contract or agreement, for the payment, delivery, or alienation of any money, goods or other thing, in order to obtain or influence the vote, opinion, verdict, award, judgment, decree, or behavior of any member of the General Assembly, or any officer or employe of this Commonwealth, or of any political subdivision thereof, or any judge, juror, justice, referee or arbitrator, in any bill, action, suit, complaint, indictment, controversy, matter or thing whatsoever, depending or which shall depend before him or them, is guilty of bribery, a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment by separate or solitary confinement at labor not exceeding one (1) year, or both.

The member of assembly, or officer, or employe of the Commonwealth or of any political subdivision thereof, or any judge, juror, justice, referee, or arbitrator, who shall accept or receive, or agree to accept or receive such bribe, is guilty of receiving a bribe, a felony; and on conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or to undergo imprisonment by separate or solitary confinement at labor not exceeding five (5) years, or both.

* * *

Section 304. Corrupt Solicitation.—Whoever, directly or indirectly, by offer or promise of money, office, appointment, employment, testimonial or other thing of value, or by threats or intimidation, endeavors to influence any member of the General Assembly, State, county, election, municipal or other public officer, in the discharge, performance, or nonperformance of any act, duty or obligation pertaining to such office, is guilty of corrupt solicitation, a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine not exceeding

Corrupt
Solicitation

one thousand dollars (\$1,000), or to undergo imprisonment not exceeding two (2) years, or both.

* * *

Embracery

Section 308. Embracery.—Whoever attempts to corrupt or influence any juror, or any arbitrator appointed according to law, by endeavoring, either in conversation or by written communication, or by persuasion, promise or entreaty, or by any other private means, to bias the mind or judgment of the juror or arbitrator, as to any cause pending in the court to which such juror has been summoned, or in which such arbitrator has been appointed or chosen, except by the strength of evidence or the arguments of himself or his counsel during the trial or hearing of the case, is guilty of embracery, a misdemeanor, and on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo imprisonment not exceeding one (1) year, or both.

* * *

Obstructing Officer

Section 314. (*As amended by Act 143 of May 21, 1943, P. L. 306 and Act 131 of July 11, 1963, P. L. 234*) **Obstructing an Officer in the Execution of Process or in the Performance of His Duties.**—Whoever knowingly, wilfully and forcibly obstructs, resists or opposes any officer or other person duly authorized, in serving or attempting to serve or execute any legal process or order, or in making a lawful arrest without warrant, or assaults or beats any officer or person, duly authorized, in serving or executing any such legal process or order or for and because of having served or executed the same; or in making a lawful arrest without warrant; or rescues another in legal custody; or whoever being required by any officer, neglects or refuses to assist him in the execution of his office in any criminal case, or in the preservation of the peace, or in apprehending and securing any person for a breach of the peace, is guilty of a misdemeanor, and on conviction, shall be sentenced to imprisonment not exceeding one (1) year, or to pay a fine not exceeding five hundred dollars (\$500), or both.

* * *

Aggravated assault and battery on police officer

Section 314.1. (*As added by Act 131 of July 11, 1963, P. L. 234*) **Committing an Aggravated Assault and Battery upon a Police Officer.**—Whoever commits an aggravated assault and battery upon a police officer making or attempting to make a lawful arrest is guilty of a felony, and on conviction, shall be sentenced to pay a fine not exceeding two thousand dollars (\$2,000) or to undergo imprisonment not exceeding five (5) years, or both.

* * *

Extortion

Section 318. Extortion.—Whoever, being a public officer, wilfully and fraudulently receives or takes any reward or fee to execute and do his duty and office, except such as is or shall be allowed by some act of Assembly, or receives or

takes, by color of his office, any fee or reward whatever, not more than is, allowed by law, is guilty of extortion, a misdemeanor, and on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment not exceeding one (1) year, or both.

* * *

Section 319. Falsely Impersonating an Officer.—Whoever falsely represents himself to be or falsely assumes to act as a detective or any elective or appointive officer of the Commonwealth, or of any political subdivision thereof, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment not exceeding one (1) year, or both.

**Impersonation
of officer**

* * *

Section 320. Falsely Impersonating Persons and Officers Privately Employed.—Whoever, without due authority, pretends or holds himself out to any one as an employe of any person, corporation or association, for the purpose of gaining access to any premises, or as a deputy sheriff, marshal, policeman, constable or peace officer employed by any person, corporation or association, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo imprisonment not exceeding one (1) year, or both.

**Impersonation
of private
employe**

* * *

Section 322. Perjury and Subornation Thereof.—Whoever wilfully and corruptly makes false oral or written statements, or testimony upon oath or affirmation, legally administered either before any committee of the Legislature, or in any judicial proceeding, matter or cause which may be pending in any of the courts, or before any judge, magistrate or mayor, or before any arbitrator, prothonotary, clerk, notary public, commissioner or auditor, appointed by any court of this Commonwealth, or in any deposition taken pursuant to the laws of this Commonwealth, or the rules, orders and directions of any court, arbitrator or judge thereof, or preparatory and for the purpose of obtaining any rule or order of court, or of a judge or arbitrator, or whoever in taking any other oath or affirmation required by any act of Assembly of this Commonwealth, or in relation to any statement or duty enjoined by law, is guilty of perjury, a felony, and whoever wilfully and corruptly procures or suborns any other person to make any such false oath or affirmation, is guilty of subornation of perjury, a felony, and on conviction of either offense, shall be sentenced to pay a fine not exceeding three thousand dollars (\$3,000), or undergo imprisonment by separate or solitary confinement at labor not exceeding seven (7) years, or both, and shall, except as otherwise provided by law, be forever disqualified from being a witness in any matter in controversy.

Perjury

Falsification

Section 328. (*As amended by Act 387 of September 26, 1951, P. L. 1535*) **Falsification In Matters Within Jurisdiction Of State Agencies.**—Whoever, in any matter within the jurisdiction of any department, board, commission or agency of the Commonwealth of Pennsylvania, knowingly and wilfully falsifies, conceals or covers up, by any trick, scheme or device, a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document, knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred dollars (\$300) or undergo imprisonment not exceeding one (1) year, or both.

* * *

Disorderly Conduct

Section 406. Disorderly Conduct.—Whoever wilfully makes or causes to be made any loud, boisterous and unseemly noise or disturbance to the annoyance of the peaceable residents near by, or near to any public highway, road, street, lane, alley, park, square, or common, whereby the public peace is broken or disturbed or the traveling public annoyed, is guilty of the offense of disorderly conduct, and upon conviction thereof in a summary proceeding, shall be sentenced to pay the costs of prosecution and to pay a fine not exceeding ten dollars (\$10), and in default of the payment thereof, shall be imprisoned for a period not exceeding thirty (30) days.

* * *

Carrying Deadly Weapons

Section 416. (*As amended by Act 443 of April 4, 1950, P. L. 1383*) **Carrying Deadly Weapons.**—Whoever carries any firearm, slungshot, handy-billy, dirk-knife, razor or any other deadly weapon, concealed upon his person, or any knife, razor or cutting instrument, the blade of which can be exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, with the intent therewith unlawfully and maliciously to do injury to any other person, is guilty of a misdemeanor, and upon the conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo imprisonment not exceeding one (1) year, or both.

The jury trying the case may infer such intent from the fact the defendant carried such weapon.

* * *

Disorderly House

Section 511. Disorderly House.—Whoever keeps and maintains a common, ill-governed and disorderly house or place, to the encouragement of idleness, gaming, drinking, or misbehavior, and to the common nuisance and disturbance of the neighborhood or orderly citizens, is guilty of a misdemeanor, and on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment not exceeding one (1) year, or both.

Section 512. Prostitution and Assignment.—Whoever uses any building, conveyance or place for the purpose of prostitution or assignment, or knowing or having reasonable cause to know that same is to be so used, or permits any building, conveyance or place owned by him or under his control, to be used for the purpose of prostitution or assignment; or whoever commits prostitution or assignment, or aids or abets prostitution or assignment, by any means whatsoever, or whoever directs, takes, or transports, or offers or agrees to direct, take, or transport, any person to any building, or place, with knowledge that the purpose of such directing, taking or transporting is prostitution or assignment, is guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment for a period not exceeding one (1) year, or both.

Prostitution;
Assignment

In the case of prostitution, the imprisonment may, at the discretion of the court, be by commitment to a private institution in the Commonwealth adapted to the proper control of women of this class, and approved by the State Department of Health and State Department of Public Welfare. In no case shall the accused be committed to a religious institution other than of her own faith, if any faith is professed. All institutions accepting persons for commitment under the provisions of this section shall, at all times, be open to State inspection so far as the welfare of the persons so committed is concerned.

In the trial of any person charged with the violation of any of the provisions of this section, testimony concerning the reputation of any place, structure, or building, and of the person or persons who reside in or frequent the same, and of the defendant, shall be admissible in evidence in support of the charge.

* * *

Section 528. (As amended by Act 389 of September 23, 1959, P. L. 945) **Obscene Exhibition.**—Whoever gives or participates in, or being the owner of any premises, or having control thereof, permits within or on said premises, any dramatic, theatrical, operatic, or vaudeville exhibition, or the exhibition of fixed or moving pictures, of an obscene nature, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand five hundred dollars (\$1,500), or undergo imprisonment for a period not exceeding two (2) years, or both.

Obscene
Exhibition

An exhibition shall be deemed obscene if, to the average person applying contemporary community standards, its dominant theme taken as a whole appeals to prurient interest.

**Establishing
Gambling
Places**

Section 605. Establishing Gambling Places.—Whoever sets up or establishes, or causes to be set up or established, any game or device of address, or hazard, at which money or other valuable thing may or shall be played for, or staked or betted upon; or procures, permits, suffers and allows persons to collect and assemble for the purpose of playing at, and staking or betting upon such game or device of address, or hazard, for money or other valuable thing; or whoever, being the owner, tenant, lessee or occupant of any premises, leases, hires, or rents the same, or any part thereof, to be used and occupied, or employed for the purpose of playing at, or staking and betting upon such game or device of address, or hazard, for money or other valuable thing, is guilty of a misdemeanor, and on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo imprisonment not exceeding one (1) year, or both.

The owner of such premises who shall have knowledge that any such game or device of address, or hazard, has been set up in or upon the said premises, and shall not forthwith cause complaint to be made against the person who has set up or established the same, shall be deemed to have knowingly leased, hired or rented the said premises for the said purpose.

This section shall not be construed to apply to games of recreation and exercise, such as billiards, bagatelle, ten pins, etc., where no betting is allowed.

* * *

**Pool-Selling;
Book-Making**

Section 607. Pool-Selling and Book-Making.—Whoever engages in pool-selling, or book-making, or occupies any place with books, apparatus or paraphernalia for the purpose of recording or registering bets or wagers, or of selling pools, or records or registers bets or wagers, or sells pools upon the result of any political nomination, appointment or election, or being the owner or lessee or occupant of any premises, knowingly permits the same to be used or occupied for any of such purposes, or keeps, exhibits or employs therein any device or apparatus for the purpose of recording or registering such bets or wagers, or the selling of such pools, or becomes the custodian or depository for gain, hire or reward of any money, property or thing of value staked, wagered or pledged, or to be wagered or pledged, upon any such result, or receives, registers, records, forwards, or purports or pretends to forward, to or for any race-course, any money, thing or consideration of value, bet or wager or money, thing or consideration, offered for the purpose of being bet or wagered upon the speed or endurance of any man or beast, or occupies any place with books, papers, apparatus or paraphernalia, for the purpose of receiving or pretending to receive, or for recording or registering or for forwarding, or pretending or attempting to forward in any manner, any money, thing or consideration of value, bet or wagered, or to be bet or wagered, for any other person, or receives or offers to receive any money, thing or consideration of value.

bet or to be bet at any race-track, or assists or abets in any manner in any of the acts forbidden by this section, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500), or undergo imprisonment of not more than one (1) year, or both.

* * *

Section 643. (*As amended by Act 347 of August 11, 1941, P. L. 911 and Act 503 of January 14, 1952, P. L. 1864*) **Employment of Minors in Places where Liquors are Sold or Given Away and Elsewhere.**—Whoever, having the care, custody or control of any minor under the age of eighteen (18) years, permits the employment of, or being a proprietor or manager, employs or permits such child to sing, dance, act or exhibit in any place where wines or spirituous or malt liquors are sold or given away, or any place connected therewith by any passageway or entrance, or whoever employs or permits any such minor to deliver liquor or malt and brewed beverages, or being the proprietor or manager of any dance house, theatre or place of entertainment, employs any minor under the age of fifteen (15) years, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100), and in default in the payment of such fine, and costs, shall be sentenced to imprisonment not exceeding three (3) months.

Employment of minors.

* * *

Section 675. (*As amended by Act 444 of July 18, 1957, P. L. 1004*) **Misrepresentation of Age by Minor to Secure Liquor.**—Whoever, being under the age of twenty-one (21) years, knowingly and falsely represents himself to be twenty-one (21) years of age to any licensed dealer or other person, for the purpose of procuring or having furnished to him, any intoxicating liquors, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) and not exceeding three hundred dollars (\$300), or undergo imprisonment not exceeding six months, or both.

Misrepresentation of age by minor

* * *

Section 675.1. (*As added by Act 465 of August 14, 1963, P. L. 1098 and amended by Act 337 of November 10, 1965, P. L. 707*) **Prohibiting the Purchase, Consumption, Possession or Transportation of Intoxicating Liquors or Malt or Brewed Beverages by Minors.**—(a) It shall be unlawful for a person less than twenty-one years of age to attempt to purchase, to purchase, consume, possess or to transport any alcohol, liquor or malt or brewed beverages within the Commonwealth.

(b) Any person violating the provisions of this section shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) and costs of prosecution, or undergo imprisonment for a term not exceeding thirty (30) days, or both.

(c) (As added by Act 337 of November 10, 1965, P. L. 707) Any fine imposed in a summary proceeding pursuant to the provisions of this section shall be decreed to be paid to the city, borough, town or township in which the offense was committed, for the use of such city, borough, town or township.

* * *

Misrepresentation that minor is of age

Section 676. Representing to Liquor Dealer that Minor Is of Age.—Whoever knowingly, wilfully, and falsely represents to any licensed dealer or other person, any minor to be of full age, for the purpose of inducing any such licensed dealer or other person, to sell or furnish any intoxicating liquors to said minor, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding fifty dollars (\$50), or undergo imprisonment for a period not exceeding sixty (60) days, or both.

* * *

Inducing minors to buy liquor

Section 677. Minors, Inducement of, To Buy Liquor Prohibited.—Whoever hires, or requests or induces any minor to purchase, or offer to purchase, spirituous, vinous or brewed and malt liquors from a duly licensed dealer for any purpose, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment not exceeding one (1) year, or both.

* * *

Assault and Battery

Section 708. Assault and Battery.—Whoever commits an assault and battery, or an assault is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or undergo imprisonment not exceeding two (2) years, or both.

* * *

Aggravated Assault and Battery

Section 709. Aggravated Assault and Battery.—Whoever unlawfully and maliciously inflicts upon another person, either with or without any weapon or instrument, any grievous bodily harm, or unlawfully cuts, stabs or wounds any other person, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding two thousand dollars (\$2,000), or undergo imprisonment, either at labor by separate or solitary confinement or to simple imprisonment, not exceeding three (3) years, or both.

Section 711. Attempts with Intent To Kill.—Whoever attempts to administer any poison or other destructive thing, or attempts to cut or stab or wound, or shoots at any person, or, by drawing a trigger or in any other manner, attempts to discharge any kind of loaded arms at any person, or attempts to drown, suffocate or strangle any person, with intent to commit the crime of murder, although no bodily injury is effected, is guilty of felony, and shall be sentenced to pay a fine not exceeding three thousand dollars (\$3,000), or undergo imprisonment, by separate and solitary confinement at labor, not exceeding seven (7) years, or both.

Attempt to kill

Section 712. Assault with Intent To Maim.—Whoever unlawfully and maliciously, shoots at any person, or, by drawing a trigger or by any other manner, attempts to discharge any kind of loaded arms at any person, or stabs, cuts or wounds any person, with intent to maim, disfigure or disable such person, is guilty of felony, and on conviction, shall be sentenced to pay a fine not exceeding two thousand dollars (\$2,000), or undergo imprisonment, by separate or solitary confinement at labor, not exceeding five (5) years, or both.

Assault to maim

Section 716. Pointing Deadly Weapons.—Whoever playfully or wantonly points or discharges a gun, pistol or other firearm at any other person, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo imprisonment not exceeding one (1) year, or both.

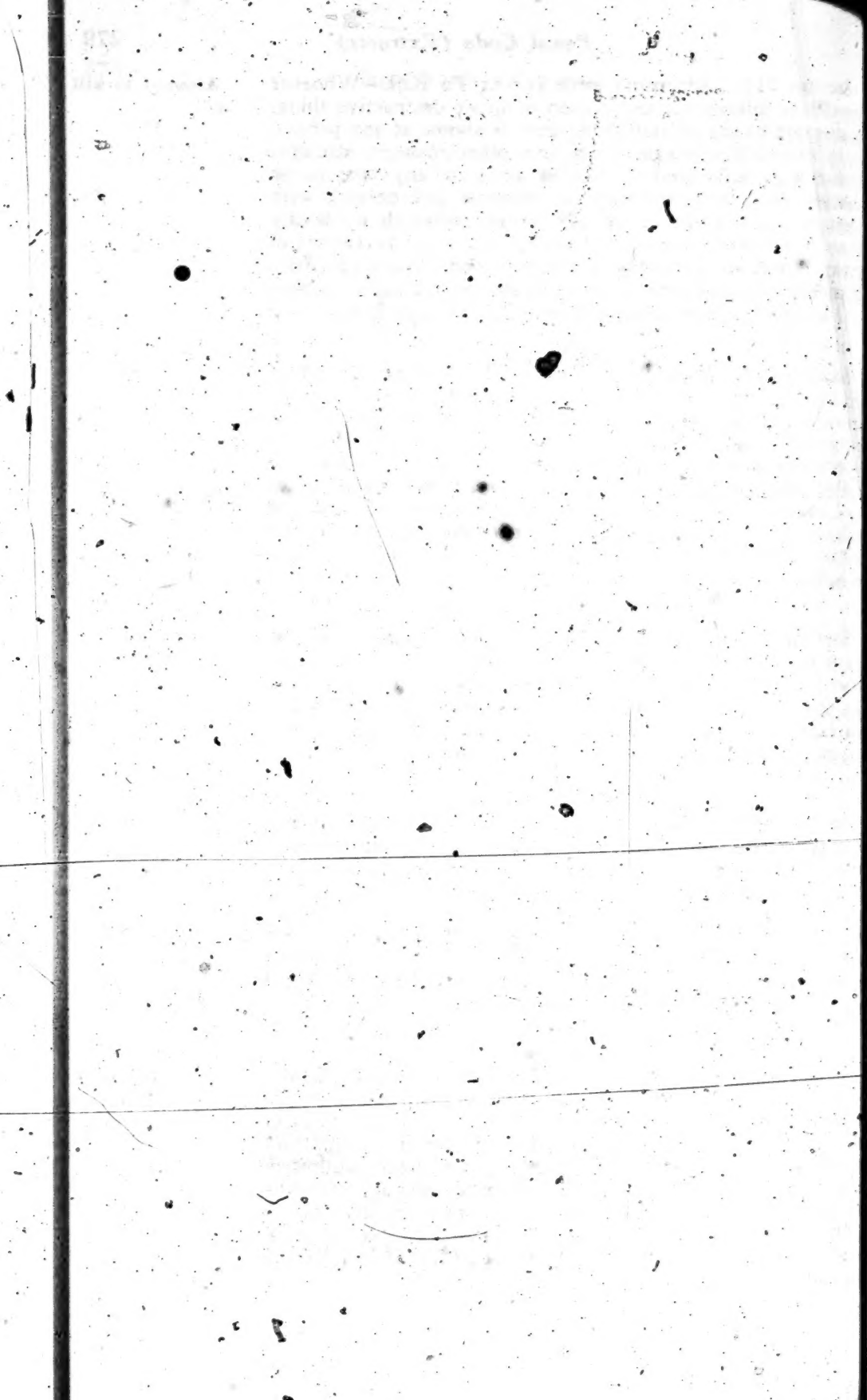
Pointing deadly weapons

Section 844. False Statements by Accountants.—Whoever, practicing as an accountant, public accountant, auditor, or certified public accountant wilfully issues, or permits, the issuance of, any false statement of the financial transactions, standing, or condition of any corporation, partnership, or individual business undertaking, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not more than five hundred dollars (\$500), or undergo imprisonment for a period not exceeding one (1) year, or both.

False statements by accountants

Section 959. Destruction of Notices Posted by State.—Whoever removes, defaces, covers up, or destroys or causes to be removed, defaced, covered up or destroyed, any placard, sign or poster of any administrative department, board and commission of the State Government, posted under authority of law, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than fifty dollars (\$50), and in default of payment of such fine, and costs, be imprisoned in the county jail one (1) day for each dollar of fine and costs unpaid.

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THE
Constitution
and
General Laws



*Loyal Order
of Moose*

OUR MOTTO:
PURITY — AID — PROGRESS

THIS Fraternity is founded upon the doctrine of the Fatherhood of God and the Brotherhood of man, and is designed to bind civilized mankind closer together with bonds of fraternal love and to teach great Truths, which have for their purpose the elevation of society.

THE AIMS AND PURPOSES OF THE

***Loyal Order
of Moose***

**ARE TO INSPIRE LOFTY SENTIMENTS
RELATIVE TO HUMANITY'S WELFARE**

RELIGIOUS and political rights are fully recognised by the teachings of the Order, but questions and references of a political or sectarian nature find no place within its sacred precincts, and are forbidden within its portals.

***"Hold Thou Mooseheart in the
Hollow of Thy Hand, and let
Thy blessings rest upon the
children there."***

THE
Constitution
and
General Laws

*Loyal Order
of Moose*



REVISED AND CERTIFIED

1967

IN FORCE AND EFFECT AS OF
October 1, 1967

The Constitution of THE SUPREME LODGE OF THE WORLD Loyal Order of Moose

Purposes of the Order

The Supreme Lodge of the World, Loyal Order of Moose, a corporation, existing by virtue of the laws of the State of Indiana, does hereby ordain and establish this Constitution.

The principal purposes for which the Supreme Lodge is formed are to act as the common joint agent, and to be the administrative representative and agent of and for that system of fraternal and charitable lodges, chapters, and other units known in the aggregate as the Loyal Order of Moose, in all matters of common and joint interest which may be best administered by one central agency, and which the said lodges and other units, by a vote of their representatives, have and may refer to, or confer upon the Supreme Lodge.

And for such purposes the Supreme Lodge may have, hold, own, purchase, hypothecate, mortgage, sell, and exchange such real and personal property as may be necessary and convenient in the carrying out of the purposes of this Supreme Lodge.

The objects and purposes of said fraternal and charitable lodges, chapters, and other units are to unite in the bonds of fraternity, benevolence, and charity all acceptable white persons of good character; to educate and improve their members and the families of their members, socially, morally, and intellectually; to assist their members and their families in time of need; to aid and assist the aged members of the said lodges, and their wives; to encourage and educate their members in patriotism and obedience to the laws of the country in which such lodges or other units exist, and to encourage tolerance of every kind; to render particular service to orphaned or dependent children by the operation of one or more vocational, educational institutions of the type and character of the institution now called "Mooseheart," and located at Mooseheart, in the State of Illinois; to serve aged members and their wives in a special and an unusual way at one or more institutions of the character and type of the place called "Moosehaven," located at Orange Park, in the State of Florida; to create and maintain foundations, endowment funds, or trust funds, for the purpose of aiding and assisting in carrying on the char-

itable and philanthropic enterprises heretofore mentioned; provided, however, that the corporation may act as trustee in the administration of such trust funds, with authority to use the interest therefrom and, in cases of emergency, the principal as well, for the perpetuation of Mooseheart and Moosehaven or either of them.

ARTICLE I

The Supreme Law

The Constitution, the General Laws, and the Rituals shall be the Supreme Law of the Loyal Order of Moose; the laws enacted by the Supreme Lodge for the operation of member lodges and for the management and operation of all other units of the Order within the structure of the Supreme Lodge and subject to the Supreme Law, shall be the law of the member lodges, state and provincial associations, auxiliaries, degrees and other units that may be established from time to time.

The member lodges of the Order are the sole power and authority of the Supreme Lodge. The member lodges reserve unto themselves all powers not herein conferred or delegated.

ARTICLE II

Composition of Supreme Lodge

The Supreme Lodge shall be and is composed of the Past Supreme Governors, members of the Supreme Council, the Supreme Officers, the chosen representatives of member lodges to the Supreme Lodge, all Past Governors, and all Supreme Lodge Committeemen; provided, that the aggregate voting power of such members of the Supreme Lodge, other than chosen representatives, shall not exceed thirty-three and one-third per cent of the voting power of the Supreme Lodge when in session. If at any time the number of members, other than chosen representatives, at any meeting of the Supreme Lodge shall exceed one-third of the full vote of said Supreme Lodge, present and entitled to be cast, said other members shall each cast such a fraction of a vote as will make the aggregate vote of such other members equal to one-third of all the votes cast in said Convention.

Voting by proxy is prohibited.

ARTICLE III

Representatives

Each member lodge shall be entitled to two representatives, and they shall, in addition to their own votes, cast one total vote for each 300 members, or majority fraction thereof, who are in good standing in that lodge as shown by the approved April 30th quarterly report to the Supreme Secretary. Such representatives, and alternates, shall be elected in the manner provided by the General Laws.

The Supreme Council may, for purposes of repre-

sentation only, create districts to be composed of not more than ten (10) lodges, none of which may be located on the North American Continent, except in Alaska and Yukon Territory, and in the event that such districts are created by the Supreme Council it shall be within the power of such lodges to select a member in good standing upon the rolls of some one of the lodges of said district, which member, when properly accredited, shall be permitted to cast the vote of the membership of all the lodges in good standing constituting the district so represented by him.

ARTICLE IV

The Structure of the Order as a Whole

The Order shall be constituted as follows:

- (a) Supreme Lodge;
- (b) Such member lodges as possess charters legally granted by the Supreme Lodge which have not been suspended, surrendered, or revoked;
- (c) Such units, degrees, auxiliaries (by whatever name called) as may be authorized by the General Laws, or hereafter authorized by the Supreme Lodge.

ARTICLE V

Honors of the Order

The honors of the Order shall be as follows:

- (a) Past Supreme Governor, which shall be attained by every Supreme Governor who shall have been elected as such, or as may be otherwise provided for by law or action of the Supreme Lodge.
- (b) Past Governor, which shall be attained by every Governor who shall have served to the end of his official term, or who shall have had such honor conferred upon him pursuant to the laws of the Order.

ARTICLE VI

Degrees of the Order

The degrees of the Order shall be: (a) Moose; (b) Legion; (c) Fellowship; (d) Pilgrim; and such other degrees as may be authorized by the Supreme Lodge from time to time.

ARTICLE VII

Supreme Lodge Officers

The Supreme Lodge Officers shall be: Director General, Junior Past Supreme Governor, Supreme Governor, Supreme Junior Governor, Supreme Prelate, Supreme Secretary, Supreme Treasurer, General Governor, Director of Membership Enrollment, Comptroller, 8 Supreme Councilmen, 5 Justices of the Supreme Forum, Supreme Sergeant-at-Arms, Supreme Inner Guard, Supreme Outer Guard, together with such additional Officers as may be created by the Supreme Lodge from time to time.

(a) Such Officers shall be elected or appointed in the manner provided by law, and hold their office for the term fixed by law, or until their successors shall have been duly elected or appointed and installed. They shall be Past Governors, in good standing in their respective lodges.

ARTICLE VIII

Supreme Government

The Supreme Lodge shall consist of three co-ordinate departments, viz: A. Legislative Department, an Executive Department, a Judicial Department.

(a) The legislative powers of the Order shall be vested in the Supreme Lodge.

(b) The executive powers of the Supreme Lodge shall be vested in the Director General, the Supreme Governor, the Executive Committee, and the Supreme Council.

(c) The Judicial Department shall be composed of the Supreme Forum, the General Governor, and the General Counsel.

ARTICLE IX

Supreme Council

The Supreme Council shall consist of thirteen (13) members, five (5) of whom, to-wit: The Director General, the Junior Past Supreme Governor, the Supreme Governor, the Supreme Junior Governor, and the Supreme Prelate, shall be members of said Supreme Council by virtue of their office respectively, and for the term only of said office; the other eight (8) members of said Council shall be elected in the manner provided by the General Laws of the Supreme Lodge.

(a) The Supreme Council shall be the Board of Directors of the corporation known as the Supreme Lodge of the World, Loyal Order of Moose, existing pursuant to the laws of the State of Indiana.

(b) The Directors so constituted shall have full management of the affairs of said corporation in accordance with the laws of the State of Indiana and the By-laws of said corporation.

(c) The Board of Directors shall designate the officers of said corporation.

ARTICLE X

Director General

The office of Director General is hereby created. The Supreme Council is hereby authorized and directed to appropriate all necessary moneys for compensation, expenses, and upkeep of said office annually.

ARTICLE XI

Adoption—Repeal—Effect, Constitution and General Laws

So much of this Constitution as relates to the Officers of the Supreme Lodge and their terms of office shall take effect upon its adoption.

Upon the adoption of this Constitution and the General Laws they shall supersede all laws heretofore passed by the Supreme Lodge of the Loyal Order of Moose, except as hereinafter provided, and all officers, offices and

authority created or issued pursuant to such laws heretofore in effect are abolished and immediately terminated.

The laws of the Loyal Order of Moose, relating to the member lodges, not in conflict with this Constitution and the General Laws as adopted, shall remain and shall continue in full force and effect; provided that any provision of the laws or other legislative action which shall be in conflict with this Constitution and the General Laws as adopted, to that extent are repealed.

ARTICLE XII

Amendments to the Constitution and General Laws

Proposed amendments to this Constitution and General Laws must be filed with the Supreme Secretary at least ninety days prior to the Supreme Lodge meeting. Within thirty days after the receipt of any proposed amendment the Supreme Secretary shall send a certified copy of such proposed amendment to all Supreme Lodge Officers and to the Secretary of each member lodge.

If it appears at the meeting of the Supreme Lodge that the said amendment was received by the Supreme Secretary at least 90 days prior to the meeting and the Supreme Secretary did give the required notice, within thirty days, said amendment shall be submitted to the Supreme Lodge Judiciary Committee for its consideration and report to the Supreme Lodge. Upon its report being received, if the amendment is adopted, by a two-thirds vote of the members present and voting, it shall be declared adopted and immediately promulgated and take effect as part of this Constitution and General Laws.

General Laws Of The Loyal Order of Moose

Laws of the Supreme Lodge General Provisions

Chapter 1—Rules and Limitations of Construction

Sec. 1.1—Rules of Construction—Be it enacted by the Supreme Lodge, Loyal Order of Moose, that these laws shall be known as the "General Laws" of the Loyal Order of Moose, and unless otherwise especially provided, all amendments and new enactments shall become effective on the first day of October following the adjournment of the annual meeting.

Sec. 1.2—Effect of Adoption and Repeal—The adoption of these General Laws, and the repeal of existing laws, shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any right established, accrued or accruing, before the General Laws take effect; but when a penalty or forfeiture is mitigated by the General Laws, such provisions may be extended and applied to any conviction or judgment pronounced after said repeal; nor shall such repeal affect any prosecution or charges pending at the time it takes effect for an offense committed under any of the provisions of a law repealed, except that the proceedings therein shall conform, as nearly as practicable, to the provisions of the General Laws.

Sec. 1.3—Limitation of Action Not Affected—When a period of time, prescribed in any law repealed, for acquiring a right or barring a remedy, or for other purposes, has begun to run, and the same or a similar limitation is prescribed in the General Laws, the time of limitation shall continue to run, and shall have the like effect, as if the whole period had begun and ended under the operation of the General Laws.

Sec. 1.4—Prior Valid Obligations Not Affected—No contractual or other obligation of the Supreme Lodge now existing, or any right or privilege thereunder heretofore entered into or acquired, shall be affected by the General Laws, but shall be recognized as still existing. No cause of action for or against the Supreme Lodge shall be affected by the adoption of the General Laws.

Sec. 1.5—Authority For Operation of the Fraternity—The sole authority for the operation of this Fraternity is the Supreme Lodge of the Loyal Order of Moose. All degrees, units, chapters, auxiliaries and all other activities, by whatever name called, in any manner operated and by whatever authority the same are operated, shall be subject at all times to the author-

ity of the Supreme Lodge, as defined in the Constitution and in the General Laws.

Wherever the words "Supreme Lodge" are used and employed in the Constitution or General Laws, all degrees, units, chapters, auxiliaries and all other activities are included and meant to be included in the words "Supreme Lodge." No separate or distinct authority for the operation of any part of the functions of the Supreme Lodge shall be recognized.

Chapter 2—General Definitions

Sec. 2.1—Supreme Lodge of the World—The words "Supreme Lodge of the World, Loyal Order of Moose," shall mean the corporation of that name, organized and existing pursuant to the laws of the State of Indiana, consisting of members whose qualifications are in these laws elsewhere defined, the principal business of which corporation is to act as the common agent of the lodges of the system known in the aggregate as the "Loyal Order of Moose" in such matters as are of common interest to all such lodges, so that there may be uniformity of practice in all things of every lodge to the end that the purposes of each lodge of the said system of lodges, known in the aggregate as the "Loyal Order of Moose" shall be identical with every other in all lodge matters.

When the term "Supreme Lodge" is otherwise used, it shall mean the member lodges of the Order, all the units, degrees, auxiliaries and other bodies functioning under the authority of the Supreme Lodge, now in existence or hereafter created.

Sec. 2.2—Loyal Order of Moose—The words "Loyal Order of Moose" as used in these laws shall mean primarily the system of lodges, the representatives and Past Governors which constitute the membership of the Supreme Lodge of the World, Loyal Order of Moose, a corporation, and the legally authorized units of the Order.

Sec. 2.3—Order—The word "Order" as used in these laws, and generally as used in the literature of the Supreme Lodge of the World, Loyal Order of Moose, shall mean, in the aggregate, all things existing and conducted by member lodges of the Loyal Order of Moose, including the Supreme Lodge, Legion of the Moose, Women's Auxiliaries and all things in any wise related or appertaining thereto, and does not signify any legal entity of any kind.

Sec. 2.4—Mooseheart—The word "Mooseheart" as used herein, shall mean the educational, vocational and philanthropic enterprise created, fostered and maintained by the Loyal Order of Moose, and now located at Mooseheart, Illinois, the title of which stands in the name of the Supreme Lodge of the World, Loyal Order of Moose, a corporation.

Service at Mooseheart for any child shall be provided on the broad basis of fraternity, subject to such

rules and regulations as may be prescribed by the Mooseheart Governors, and such service may be terminated at any time, all in the discretion of the Mooseheart Governors.

Sec. 2.5—Moosehaven—The word "Moosehaven," as used herein shall mean the home and philanthropic enterprise created, fostered and maintained by the Loyal Order of Moose, and now located at Moosehaven, Orange Park, Florida, title of which stands in the name of the Supreme Lodge of the World, Loyal Order of Moose, a corporation.

Service at Moosehaven for any eligible member shall be provided on the broad basis of fraternity, under such rules and regulations as may be prescribed by the Moosehaven Governors, and such service may be terminated at any time, all in the discretion of the Moosehaven Governors.

Sec. 2.6—Moose—The word "Moose" as used in these laws shall mean the members of lodges of the system known in the aggregate as the Loyal Order of Moose. It may also mean all of the members of lodges in the aggregate.

Sec. 2.7—Lodge—The word "Lodge" as used in these laws shall mean, unless otherwise specifically provided, one of the lodges constituting the system known as the Loyal Order of Moose.

Sec. 2.8—Charter—The word "Charter" as used in these laws shall mean the certificate issued over the signature of the Supreme Governor and Supreme Secretary, certifying that certain qualified individuals at some given place have complied with the requirements of the laws, for the organization and institution of a lodge, Loyal Order of Moose.

Sec. 2.9—Annual Meeting or Convention—The words "Convention" or "Annual Meeting" as used in these laws with reference to the Supreme Lodge shall mean the coming together at stated periods of the members of the Supreme Lodge in a body for a session as such, or a series of sessions on the same or consecutive days for the transaction of such business of the Supreme Lodge as may be properly brought before it.

Chapter 3—Seal, Emblems, and Observances

Sec. 3.1—Supreme Lodge Seal—The Supreme Lodge shall have a metal seal, circular in form, with the words, "Supreme Lodge of the World, Loyal Order of Moose," about the periphery, and in the center of the surface thereof shall be the imprint of a Moose head, above which shall be the imprint of the date of the incorporation of the Supreme Lodge.

It shall be kept in the custody of the Supreme Secretary and shall be used by him in authenticating such documents as require his official attestation.

Sec. 3.3—Moose Emblem—The head of a moose, in semi-profile position, so arranged that the antlers form the outlines of the letters "L.O.O.M." projecting

through a red circle on which are the words, "Loyal Order of Moose" and the letters "P.A.P." shall be the emblem of the Order.

Sec. 3.4—Legion Emblem—The emblem of the Legion of the Moose shall consist of a moose head in semi-profile position so that the antlers form the letters "L. O. O. M.", made of yellow metal mounted upon a white triangle with the letters "F. H. C." in gold thereon, surrounded by a heart-shaped enameled field of red with a narrow gold rim in the outer edge of the heart-shaped field.

Sec. 3.5—Fellowship Emblem—The emblem of the Fellowship Degree of the Moose shall consist of a lapel button with the letter "F" in gold, set on a white background, in a gold band circle approximately one-half inch in diameter.

Sec. 3.6—Pilgrim Emblem—Such as may be authorized by the Pilgrim Council as it may see fit and proper.

Chapter 4—General Provisions

Sec. 4.1—Certificate of Charter to Lodges—The Supreme Lodge shall furnish to each lodge legally instituted and in good standing a charter in such form as may be provided by the Supreme Council.

Sec. 4.2—Granting of Authority to Other Units—The Supreme Lodge shall furnish to such other units, chapters and degrees of the Order now existing or hereafter created, such authority as is appropriate and in such form as the Supreme Council may determine from time to time; such authority to be subject to the same provisions of law as relate to such restrictions and requirements as in these laws relate to charters of lodges.

Sec. 4.3—Mileage Allowance to All Officers—Unless otherwise provided, Supreme Lodge Officers, Committeemen, general and special, when necessarily absent from their homes in the discharge of properly authorized duties in behalf of the Supreme Lodge, shall be reimbursed not to exceed the sum of twenty (\$20.00) dollars per day as allowance for expenses, in addition to mileage or actual transportation expense.

Sec. 4.4—Honors—The Supreme Lodge, when assembled, for special services rendered may, by unanimous vote only, confer the honors of Past Supreme Governor upon any Past Governor in good standing of any lodge in good standing.

Sec. 4.5—Rituals and Degrees—The principles, aims, and ideals of the Loyal Order of Moose shall be exemplified in Rituals so prepared by the Supreme Council as to be used in various Ceremonies such as enrollment of members, in lodges and other organizations in the name of the Loyal Order of Moose, the services for the dead, dedication of homes, and such other ceremonies as may from time to time be provided for.

Sec. 4.6—Supplies—Paraphernalia—Only such sup-

plies, paraphernalia and equipment as are secured through the Supreme Secretary shall be used in the service of enrollment of applicants for membership in lodges, units, degrees, chapters, etc., and only such ceremonies and services shall be performed as may be prescribed by the Ritual.

Only such official supplies and paraphernalia as authorized by the Supreme Council and secured through the Supreme Secretary may be worn or used by members of the lodges, units, degrees, chapters, etc., with the exception of the Pigrim Degree which is under the complete jurisdiction of the Pilgrim Council.

Sec. 4.7—Allowable Equipment—The use of any other equipment during the service of enrollment or any other ritualistic service is strictly prohibited, and in particular must no equipment of any kind be used by a lodge, legion, chapter or any unit operating in the name of the Loyal Order of Moose in any service or ceremony in the name of the Loyal Order of Moose, which transmits electrical current, nor shall any candidate for enrollment, or any member of any such units at any time be subjected to any treatment by any appliance transmitting electrical current, nor shall any electrical current of any kind be applied to the person of any applicant for membership in, or any member of any such unit.

TITLE I

LEGISLATIVE DEPARTMENT OF THE SUPREME LODGE

Chapter 11—Conventions

Sec. 11.1—Place and Time of Meeting—A regular Legislative Convention or meeting of the Supreme Lodge shall be held biennially in the odd numbered years at such place and on such dates as determined by the Supreme Council.

Sec. 11.2—Meeting at Mooseheart—There shall be held at Mooseheart during each even numbered year a Convention of the Supreme Lodge, at which no legislation shall be enacted, but all other rules and laws of the regular Legislative Convention shall govern; provided, that the Supreme Council may by three-fourths vote of its members declare such Non-legislative Convention of the Supreme Lodge to be an extraordinary Convention for the purpose of considering and passing upon legislation, the character and nature of which shall be designated by the Supreme Council in its declaration, and such designated legislation may be received and acted upon notwithstanding any other provisions of this section; provided further, that the action of the Supreme Council in declaring such Convention an extraordinary Convention shall be taken at least sixty days prior to such meeting of the Supreme

Lodge, and all member lodges given notice of the Council's action and the nature of the legislation to be considered at such extraordinary Convention at least thirty days prior to such meeting.

Sec. 11.3—Supreme Council May Designate.—The Supreme Council may designate a different place for the holding of the Non-legislative Convention in the even numbered years.

Sec. 11.4—Quorum of Convention.—One hundred members of the Supreme Lodge shall constitute a quorum for the transaction of business at any duly authorized session and provided an authorized officer shall be present to preside.

Sec. 11.5—Journal of Proceedings.—A journal of the proceedings of the Supreme Lodge shall be kept and an official record shall be published in such manner as the Supreme Lodge may by law prescribe.

Sec. 11.6—Order of Business.—Each meeting of the Supreme Lodge may adopt as its order of business any or all lawful recommendations of the Committee on Rules and Order of Business, but in the event of no such action by the Supreme Lodge, the order of business shall be as follows:

1. Opening Ceremonies;
2. Official Roll Call;
3. Report of Credentials Committee;
4. Obligation of Representatives;
5. Appointment of Committees;
6. Report on Rules of Order;
7. Report of Officers;
8. Nomination of Officers;
9. Election of Officers;
10. Reports of Committees
 - (a) Standing;
 - (b) Special;
11. Report of Resolutions Committee;
12. Judiciary Committee;
13. Unfinished Business;
14. New Business;
15. Good of the Order;
16. Selection of Place of Meeting of Next Legislative Convention;
17. Installation of Officers;
18. Adjournment.

Sec. 11.7 — Restrictions upon members.—Members shall not, while attending the Supreme Lodge sessions, indulge in personalities or indecorous language, nor upon the political, religious or social affiliations of its members.

A member shall not speak more than once upon the same question until all members have had an opportunity to speak thereon, nor more than twice, without permission of the Supreme Lodge.

Upon being called to order by the Supreme Gover-

nor or duly authorized presiding officer, a member shall cease speaking immediately, be seated, and so remain until the question of order is determined, and he is given permission to proceed.

Sec. 11.8—Committee of the Whole—The Supreme Lodge may resolve itself into a "Committee of the Whole" upon the following subjects, and none other: "For the consideration of the laws," "Good of the Order," "Mooseheart," "Moosehaven," and the "Written or Unwritten work of the Order."

Sec. 11.9—The Decision of the Chair—The Supreme Governor or other duly authorized presiding officer shall announce the decision of the Supreme Lodge upon all subjects; he may speak upon "points of order" in preference to other members, decide "points of order" without debate, subject, however, to an appeal to the Supreme Lodge by any two members. No member shall speak more than once upon such appeal.

Sec. 11.10—Majority Vote—A majority vote shall decide all questions, except as otherwise provided herein.

Sec. 11.11—Parliamentary Law—Roberts' Rules of Order shall govern all proceedings of the Supreme Lodge while in session and shall decide all points of order when not otherwise provided for by the General Laws.

Chapter 12—Powers of Supreme Lodge

Sec. 12.1—To Define Offenses and Enforce Penalties—The Supreme Lodge shall be the judge of the election and qualification of its members. It shall have the power to define offenses of any member or lodge of the Order, make provision for the hearing and trial of charges as may be prescribed by law, and for the enforcement of all judgments or penalties invoked.

Sec. 12.2—To Define Duties of All Agencies—It shall have power:

To define the powers and duties of all its officers, boards and committees, or of any individual officer, or body operating in the name of the Supreme Lodge or by its authority.

Sec. 12.3—To Act as Trustee—To act as Trustee, or appoint Trustees of funds raised or contributed by the members or lodges of the Order for any purpose and to control the use and distribution of such funds and to establish permanent trust funds for charitable, educational, benevolent, or any other purpose for which the Order is created.

Sec. 12.4—To Institute Member Lodges—To provide for the institution of member lodges, the issuance of dispensations and charters thereto, the manner in which the same may be suspended or forfeited, and the laws by which they shall be governed.

Sec. 12.5—To Create and Operate all Units and Degrees—To provide for the operation of a women's auxiliary, degrees, units, and any and all other func-

tioning activities for the furtherance of the purposes of the Order.

Sec. 12.6—To Enact and Amend the General Laws—To enact all necessary and proper laws for carrying into effect the powers and purposes of the Supreme Lodge or of any department or officer thereof. Such laws shall take effect as of the first day of October following their enactment, unless otherwise provided, and shall be of general application and be called General Laws.

Chapter 13—Election of Supreme Lodge Officers

Sec. 13.1—When Elected—Subject to the provisions of Article VII of the Constitution, the elective Officers of the Supreme Lodge named in said article shall be elected at the regular annual meeting of the Supreme Lodge for the terms fixed by law.

Provided, no member shall hold more than one elective office at the same time.

Provided further, no member shall hold more than two appointive offices at the same time.

Sec. 13.2—How Nominated and Elected—The nomination and election of such Officers shall be as herein provided, and nominations shall be made on the second day of the Convention and the election held on the third day. In all cases of election the votes of the majority of the members of the Supreme Lodge shall be necessary to a choice. In case of a tie, the balloting shall continue until a choice shall have been made; provided, the three candidates receiving the highest number of votes on the first ballot shall be the only candidates voted for on the second ballot, and on a third ballot, if such ballot is necessary, the candidate receiving the lowest vote on the second ballot shall be dropped.

Sec. 13.3—Terms of Office—The Supreme Officers, except the Supreme Councilmen, Supreme Forum, Director General, Supreme Secretary, Supreme Treasurer, General Governor, Director of Membership Enrollment, and Comptroller shall be elected for a term of one year.

The Supreme Secretary shall be elected for a term of four years.

The Supreme Treasurer shall be elected for a term of two years.

Members of the Supreme Council shall be elected for a period of four years; provided, however, that four Councilmen shall be elected at each Convention held in the odd numbered years.

The terms of all Supreme Lodge Officers shall commence on the first day of the month following their election or appointment.

Sec. 13.4—Election Conduct—No candidate for any Supreme Lodge Office shall be permitted to make a campaign for such election by the distribution of any letters or other written or printed matter of any kind,

in any place, in any manner; and any candidate violating this section or permitting this section to be violated by others in his behalf shall be, upon conviction thereof, disqualified from holding any office during the term for which he was a candidate.

Chapter 14—Appointed Officers of Supreme Lodge.

Sec. 14.1—How and By Whom Appointed—The Director General shall be appointed by the Supreme Council for such term as it may determine. The General Governor and the Director of the Membership Enrollment shall be appointed by the Supreme Council for a term of four years. The Comptroller shall be appointed by the Supreme Council for a term of five years. The Supreme Sergeant-at-Arms, the Supreme Inner Guard, and the Supreme Outer Guard shall be appointed by the Supreme Governor, by and with the consent of the Supreme Council, to serve for one year.

Section 14.2—Installation of Supreme Lodge Officers—Supreme Officers shall be installed on the last day of the Convention. If an officer-elect is absent at the time of installation, the Supreme Governor shall have power to install such officer during recess at his convenience.

The Junior Past Supreme Governor shall conduct all installations of Supreme Lodge Officers, provided that in his absence or upon his request, the retiring Supreme Governor may act or appoint any Past Supreme Governor for that purpose.

Sec. 14.3—Presiding Officer—In point of authority as presiding officer at any meeting of the Supreme Lodge, such authority shall be in the following order: Supreme Governor, Supreme Junior Governor, Supreme Prelate; provided the presiding officer may yield his gavel to the Director General as he may deem fit and proper, and when so acting, the Director General shall exercise all power of the presiding officer.

Chapter 15—Supreme Lodge Committees and Duties

Sec. 15.1—Appointment and Number—The regular committees of the Supreme Lodge shall be as follows:

(A) Judiciary; (B) Resolutions; (C) Ritual Contest; (D) Credentials; (E) Grievance; (F) Finance; (G) Rules and Order of Business; (H) State of the Order; (I) Special Committees.

Each of the above-named committees shall consist of not less than five nor more than seven members of the Order in good standing in their lodge. All committees shall be appointed by the Supreme Governor with the advice and consent of the Supreme Council. The Judiciary Committee, Resolutions Committee, Ritual Contest Committee, and Credentials Committee, shall be appointed not less than thirty (30) days prior to the date of the Convention at which they are to serve. The other committees shall be appointed within the

last thirty (30) days prior to the convening of the Convention in which they are to serve. The Supreme Governor shall appoint such other committees after the convening of the Convention as the Convention may order from time to time. The appointment of all committees herein referred to shall expire upon adjournment of the Convention.

Sec. 15.2—Judiciary Committee—It shall be the duty of the Judiciary Committee carefully to consider and recommend the passage or rejection of all proposed amendments or additions to the Constitution and General Laws before such proposed amendments or additions shall be submitted to any session of the Supreme Lodge.

Sec. 15.3—Resolutions Committee—It shall be the duty of the Resolutions Committee carefully to consider and recommend the passage or rejection of all proposed resolutions coming before the Convention, provided that no resolution may be offered from the floor of the Convention until the same has been referred to the Resolutions Committee, and if rejected or adversely recommended, the same may only be presented on the floor upon consent of the Convention being first had and obtained.

Sec. 15.4—Ritual Contest Committee—It shall be the duty of the Ritual Contest Committee to conduct ritualistic contests, promulgate rules and regulations for said contests and perform such other duties as the Supreme Council may direct.

Sec. 15.5—Credentials Committee—The Credentials Committee shall carefully examine all credentials presented by Supreme Lodge Officers, representatives and Past Governors, or referred to it, and with due diligence, correctly report thereon to the Supreme Lodge.

Sec. 15.6—Grievance Committee—The Grievance Committee shall investigate all matters that may be referred to it, and report to the Supreme Lodge, in writing, such recommendations as it may consider proper.

Sec. 15.7—Finance Committee—The Finance Committee shall compute and certify in writing the correctness of all claims of the Officers, Committeemen and all others who are, by law, entitled to claim mileage, or per diem expenses, and if in attendance at the Supreme Lodge sessions, and shall pay or cause to be paid from funds received from the Supreme Treasurer such claims and shall immediately return to the Supreme Secretary all funds remaining in its hands after the close of the Convention.

Sec. 15.8—Civic Affairs Committee—A standing committee of the Supreme Lodge, consisting of not more than seven members of the Order is hereby designated as the Civic Affairs Committee.

The members of said committee shall be appointed by the Supreme Governor, such appointment to be

ratified and approved by the Supreme Council. Each member shall be appointed for a period of two years.

The Civic Affairs Committee shall supervise and encourage participation by member lodges and their Civic Affairs Committees in community service, and at each Supreme Lodge Convention shall present suitable awards to those lodges whose achievements in such activities have been most outstanding during the preceding year.

Sec. 15.9—Rules and Order Committee—The Committee on Rules and Order of Business for the conduct of the meeting of the Supreme Lodge shall designate the time at which the Supreme Lodge sessions shall convene, and shall, as far as possible, act in conjunction with the local committee in the city of which the Convention is being held.

Sec. 15.10—State of the Order Committee—Said Committee shall be composed of all Past Supreme Governors, present and in attendance at the meeting of the Supreme Lodge. It shall report on the state of the Order, with such recommendations as it may deem fit and proper.

Said Committee shall also act as a Committee on Necrology.

Sec. 15.11—Special Committees—Special Committees shall perform such duties as are defined and authorized at the time of their appointment.

Chapter 16—Mooseheart Board

Sec. 16.1—Creation and Duties—A Board of the Supreme Lodge, consisting of eight (8) members of the Order, one of whom shall be the Director General and one the Supreme Governor, is hereby designated as the Board of Mooseheart Governors.

Said Mooseheart Governors shall have power to administer and govern the affairs of Mooseheart and to do any and all things necessary and proper for the advancement, operation and maintenance of all the work and objects of said institution. They shall organize by selecting such officers as they may deem proper; they may require officers and employees to give bonds and shall provide rules for the regulation and maintenance of said institution.

Sec. 16.2—Appointment of—The members of said Board, other than the Director General and Supreme Governor, shall be appointed by the Supreme Governor, said appointments to be ratified and approved by the Supreme Lodge. Each member shall be appointed for a period of three years.

Sec. 16.3—Terms of Office—The terms shall be so arranged that the term of two of the six appointed members shall expire each year.

In case of vacancy caused by death, resignation or otherwise, the Supreme Governor shall appoint a mem-

ber to serve for the unexpired term, such appointment to be confirmed by the Supreme Council.

Sec. 16.4—Qualification of Members—A member appointed to said Board of Mooseheart Governors shall be required to be a member of the Supreme Lodge in good standing.

Sec. 16.5—Admission Regulations & Rules—The Mooseheart Governors shall make such rules and regulations as to them may deem proper for the admission of children to Mooseheart, and prescribe the terms and conditions under which any child may reside at Mooseheart or for the employment there of the mother of any child residing at Mooseheart, and for the discontinuing of the residence of any child or employment of its mother at Mooseheart, and shall have complete authority to determine in each case who shall be admitted to Mooseheart, the conditions under which any person may reside at Mooseheart, and may terminate the residence and/or employment at Mooseheart of any person at any time. They shall determine the terms and conditions of contracts to be entered into between Mooseheart and any surviving parent or legally appointed guardian of any child for the admission to Mooseheart of such child, for the conditions of its residence at Mooseheart, and for the termination of the residence at Mooseheart of any child. They shall require the appointment by a competent court of a guardian of the person of any child seeking admission to Mooseheart unless there is a surviving parent to act for the child.

Chapter 17—Moosehaven Board

Sec. 17.1—Creation and Qualification—A Board consisting of eight (8) members of the Supreme Lodge, one of whom shall be the Director General and one the Supreme Governor, is hereby designated as the Board of Moosehaven Governors.

Sec. 17.2—Appointment of—The members of said Board, other than the Director General and Supreme Governor, shall be appointed by the Supreme Governor, said appointment to be ratified and approved by the Supreme Lodge; each member to be appointed for a period of two years.

Sec. 17.3—Terms of Office—The terms shall be so arranged that the term of three of the six appointed members of said Board shall expire each year.

In case of a vacancy caused by death, resignation, or otherwise, the Supreme Governor shall appoint a member for the unexpired term, said appointment to be confirmed by the Supreme Council.

Sec. 17.4—Qualification of Members—A member appointed to said Board of Moosehaven Governors shall be required to be a member of the Supreme Lodge in good standing.

Sec. 17.5—Duties of Board Members—The Moosehaven Governors shall have power to administer the affairs of Moosehaven, and to do any and all things

necessary and proper for the advancement, operation and maintenance of the work and objects of Moosehaven, subject to all other provisions of the Laws. Said Board may organize by selecting such officers as they may deem proper; they may require officers and employees to give bond and to promulgate such rules and regulations as are found necessary for the maintenance and operation of the institution.

Sec. 17.6—Admission Regulations & Rules—The Moosehaven Governors shall make such rules and regulations as may be deemed proper for the admission of members to Moosehaven, and prescribe the terms and conditions under which members and their wives or widows may be admitted, and fix and establish the requirements covering the admission of members to Moosehaven. They shall determine the terms and conditions of contracts to be entered into between Moosehaven and any member or person residing there, and for the termination of the residence at Moosehaven of any person.

When an applicant is admitted to Moosehaven, he shall be presented an annual non-beneficiary dues receipt by his lodge during the continuance of his residence at Moosehaven.

Sec. 17.7—Moosehaven Service Eligibility—In order to be qualified to apply for the benefits of the service of the Order for the aged, a member shall have been continuously in good standing in the Order for a period of at least fifteen years immediately preceding his or her application for such service; and shall be not less than sixty-five years of age at the time of filing his or her application for aged service. The eligibility of widows for the aged service of the Order shall be that of their husbands at the time of the death of the husband. These limitations may be suspended by the constituted authorities dealing with these services in any case whenever in their judgment an emergency exists.

Chapter 18—Mooseheart-Moosehaven Endowment Fund Board

Sec. 18.1—Creation—A Board consisting of seven (7) members of the Supreme Lodge, one of whom shall be the Director General, is hereby designated as the Mooseheart-Moosehaven Endowment Fund Board.

The members of said Board, other than the Director General, shall be appointed by the Supreme Governor, said appointment to be ratified and approved by the Supreme Council. Each member shall be appointed for a term of three years.

Sec. 18.2—Terms of Members—The terms shall be so arranged that the term of two of the six appointed members shall expire each year.

In case of vacancy caused by death, resignation, or otherwise, the Supreme Governor shall appoint a member to serve for the unexpired term, such appointment to be confirmed by the Supreme Council.

Sec. 18.3—Duties of Members—The Mooseheart-Moosehaven Endowment Fund Board shall encourage and administer, consistent with the established policy of the Supreme Lodge, the Mooseheart and Moosehaven Endowment Funds created and maintained for the charitable and philanthropic enterprises of the Order.

Sec. 18.4—Advisory Committee—The Supreme Governor may appoint an Advisory Committee to the Mooseheart-Moosehaven Endowment Fund Board in such number as the Supreme Council may from time to time determine. Each member shall be appointed for a term of three years, said appointments to be ratified and approved by the Supreme Council.

TITLE II

EXECUTIVE DEPARTMENT OF SUPREME LODGE

Chapter 21—Director General

The Director General shall have general power to direct and supervise all activities and enterprises of the Order everywhere. He shall be furnished with any and all information covering the operations and acts of all Supreme Lodge Officers, all Boards, Committees, as well as all units, degrees, chapters, and auxiliaries now existing or hereafter created; and with all information relative to the acts or conduct of any individual or group acting or operating by authority of the Supreme Lodge. The Director General, by virtue of his office, shall serve as a member of the Supreme Council as provided in Article IX of the Constitution. He shall have the right to appear at any meeting of any board or committee of the Supreme Lodge, and be heard on any relative matter.

Chapter 22—Supreme Governor

Sec. 22.1—Duties—The Supreme Governor shall preside at and enforce all rules at every session of the Supreme Lodge, and preserve order therein.

Sec. 22.2—Call Council Meetings—He may call such meetings of the Supreme Council as he may deem proper in the interests of the Order and as the business of the Order necessitates.

Sec. 22.3—Attend any Occasions—He shall attend such meetings and social sessions of the lodges and other gatherings held in the name of the Order as may be practical, and such other occasions and functions as the Supreme Council may determine and plan, and shall act as the accredited representative of the Order at such gatherings.

Sec. 22.4—Delegation of Authority—He shall have the right to be present at a meeting of any other body of the Order as he may choose. He shall have the right to address such bodies on matters pertaining to the Order and to advise such bodies on the general condition of the Order. He may designate any other Supreme Lodge officer to make visits to lodges or to appear at any functions of the lodges as his representative.

Sec. 22.5—Report to Convention—He shall submit to the Supreme Lodge at each regular meeting a report covering his activities during its recess, together with such recommendations as he may deem proper.

Sec. 22.6—Appointments of—He shall appoint the members of such committees, boards, bodies, and other officers and appointees as are provided for in the General Laws, by and with the consent of the Supreme Council, and fill vacancies in the same manner.

Sec. 22.7—Succession of—In case of the removal from office by death or resignation of the Supreme Governor, or should a vacancy occur in that office for any reason, the Supreme Junior Governor shall succeed to the office of the Supreme Governor.

Chapter 23—Supreme Junior Governor

Sec. 23.1—Duties—The Supreme Junior Governor shall aid the Supreme Governor and other Supreme Lodge Officers in opening and closing each session of the Supreme Lodge, and at all times during the meeting shall assist and support them in preserving order.

Sec. 23.2—When to Preside—He shall preside at sessions of the Supreme Lodge in the absence of the Supreme Governor and represent the Supreme Governor before any committee, board, or department of the Order upon request of the Supreme Governor, or in his absence.

Sec. 23.3—Succession of—In case a vacancy occurs in the office of Supreme Governor, after such vacancy has been declared by the Supreme Council, he shall assume and perform the duties of the Supreme Governor for the balance of the term of that office.

Sec. 23.4—Special Services—He shall serve in any additional capacity the Supreme Council may authorize. He shall represent the Supreme Lodge and Supreme Council in the operation of any of the functions of the Supreme Lodge when and as designated by the Supreme Council.

Chapter 24—Supreme Prelate

Sec. 24.1—Duties—He shall conduct the devotional exercises of the Supreme Lodge and such devotional exercises as are performed in the Supreme Lodge meetings.

He shall serve as a member of the Supreme Council and perform such duties as the Supreme Council may direct.

He shall represent the Supreme Lodge and the Supreme Council in any work of the Supreme Lodge as may be directed by the Supreme Council.

Sec. 24.2—Succession of—In case a vacancy occurs in the office of Supreme Junior Governor, after such vacancy has been declared by the Supreme Council, he shall assume and perform the duties of the Supreme Junior Governor for the balance of the term of that office. Whereupon, the Supreme Council shall appoint

a qualified member as Supreme Prelate for the unexpired term.

Chapter 25—Supreme Council

Sec. 25.1—General Duties—In addition to the duties defined in the Constitution, the Supreme Council shall be the general fiscal agent of the Supreme Lodge, and unless otherwise provided, shall have general authority over all funds and property belonging to the Supreme Lodge. When the Supreme Lodge is not in session, the Supreme Council shall be the highest authority in all matters having to do with the operation and management of the Supreme Lodge.

Sec. 25.2—Specific Powers—It shall determine the amount of all bonds given to the Order for the faithful performance of duty, except as otherwise provided.

It shall purchase, or supervise the purchase of, all supplies for the Order or any of its departments, units, degrees, auxiliaries, or any individual or authority operating under the authority of the Supreme Lodge.

(a) It shall have power to provide for, in due form, amendments or additions to the Articles of Incorporation.

(b) It shall have supervisory power over all Officers of the Supreme Lodge in the discharge of their duties; determine which officers, appointees, or employees shall be compensated; determine the basis of compensation; fix the amount thereof; make provision for expenses to be allowed such officers, appointees, or employees, and is authorized to establish and maintain a retirement or pension plan for officers, appointees, or employees of the Order.

(c) It shall have power to suspend elective officers of the Supreme Lodge pending the hearing of any charges against them, and to remove appointive officers and employees of the Supreme Lodge. Whenever it shall exercise its powers to suspend or remove any Supreme Lodge Officer, the grounds of such suspension shall be stated and filed with the Supreme Forum and shall constitute a charge against said Officer to be disposed of as provided for in the General Laws.

(d) It shall promulgate rituals, laws, rules and regulations for the operation of and retain at all times supervisory control of all units, auxiliaries and degrees of the Order. It may, however, set up boards or agencies for such purposes, provided that the powers and duties of any such boards or agencies appointed shall be clearly and distinctly defined and strictly limited to administrative and ministerial character.

(e) All rituals employed by such bodies must first be approved by the Supreme Council, provided, that in the granting of the Pilgrim Degree the ritual employed therein shall be under the exclusive jurisdiction of the Pilgrim Council.

(f) All publications and all publicity and promo-

tional activities of the Supreme Lodge shall be under the authority of the Supreme Council, provided, however, it may appoint a board or committee to carry on such activities and to that end may authorize the employment of professional and trained assistants, and provided further, that no contract shall be entered into in connection therewith except by expressed authority of the Supreme Council.

(g) It shall set up a budget system and allocate funds for the operation of the Supreme Lodge and all agencies, departments, offices, and authorities operating with Supreme Lodge funds, and require strict adherence to such budget. It shall have the power to revise the budget, but no change or alteration of said budget shall be made except by its action.

(h) Said Supreme Council shall create such committees as are authorized, or directed by the Supreme Lodge and may itself create special committees for carrying out any special or general work of the Order. It shall perform and carry out all directions of the Supreme Lodge and exercise all the power and authority conferred upon it by the Supreme Lodge.

(i) It shall, at each regular meeting of the Supreme Lodge, submit a report of all its acts and performances, in detail, which said report shall be printed in the Convention Proceedings and made available to all member lodges of the Order.

Sec. 25.3—Executive Committee to Serve—An Executive Committee of three members of the Supreme Lodge shall be appointed by the Supreme Council and shall hold office at the pleasure of the Supreme Council. Any vacancies occurring by death, resignation, or otherwise shall be filled as herein provided for appointment. The Executive Committee shall exercise all of the powers of the Supreme Council when the latter is not in session, except the power to appropriate funds. It shall report fully on all its actions during the interim between Supreme Council meetings, and its actions shall be in full force and effect unless modified or abrogated by the Supreme Council at its next meeting following such action.

Chapter 26—Supreme Secretary

Sec. 26.1—Duties—He shall perform the duties of Secretary for the corporation known as, "The Supreme Lodge of the World, Loyal Order of Moose" and maintain correct corporate records of said corporation.

(a) The Supreme Secretary shall perform all duties as are usually performed by secretaries of similar corporations as the Supreme Lodge of the World, Loyal Order of Moose.

(b) He shall attend all meetings of the Supreme Lodge and of all other similar bodies of the Supreme Lodge. He shall give due and proper notice of all meetings of the Supreme Lodge,

the Supreme Council, and other similar bodies. He shall keep a true and correct record of the action of the Supreme Lodge and record the same in books of record.

- (c) He shall have custody of the seal of the Supreme Lodge, shall sign his name in his official capacity to all documents requiring the signature of the Supreme Secretary or as directed by the Supreme Council or other competent authority, and affix the seal of the Supreme Lodge thereto. He shall perform his duties under the general supervision of the Supreme Council, pursuant to the laws of the Supreme Lodge.
- (d) He shall appoint such deputies, assistants and clerks as the Supreme Lodge or the Supreme Council may approve from time to time. He shall collect all moneys in accordance with the laws of the Order and the directions of the Supreme Council, and keep a true and correct record of the same.
- (e) He shall conduct all official correspondence of the Supreme Lodge.
- (f) He shall keep the Supreme Council informed at all times of the condition of the member lodges.
- (g) He shall act as the representative of the Supreme Lodge or of the Supreme Council in its relations with the member lodges, as may be directed by the Supreme Council.
- (h) He shall perform any and all other duties as may be directed by the Supreme Lodge or the Supreme Council from time to time.
- (i) He shall keep a true and accurate account of all money due the Supreme Lodge from any member lodge, individual, department, unit, degree, or any other body or individual acting under the authority of the Supreme Lodge.
- (j) He shall make quarterly reports of such accounts to the Supreme Council.
- (k) He shall fix the amount of all bonds of the officers of each member lodge of the Order.
- (l) Immediately upon installation, he shall give bond in a sum to be fixed by the Supreme Council for the faithful performance of his duties.
- (m) He shall adopt a system of bookkeeping and recording covering the duties of his office, as may be directed or approved by the Supreme Council.
- (n) He shall perform such duties as are authorized for the Supreme Secretary in the signing of official warrants and approving requisitions.

Sec. 26.2—Appointment of Auditors—The Supreme Secretary, with the advice and consent of the Supreme Council, shall appoint such auditors as in his judgment

may be necessary, who shall operate under his general supervision. Such auditors shall have power to demand and receive at any time from any lodge or any of its officers, any papers, books, records, files or evidence of indebtedness or other property for the purpose of fully inspecting and auditing the accounts and affairs of any such lodge, and each officer or member thereof shall immediately deliver to the Supreme Secretary or any auditor duly authorized by him, all books, records, files and papers of the lodge. In the event any officer or member of a lodge shall fail to deliver upon demand any such papers, books, records, files or other things to the Supreme Secretary, or his duly authorized auditor or other authorized representative, he may be suspended by the Supreme Secretary or such auditor or representative, who shall communicate the reasons therefor immediately to the General Governor. Any officer or member so suspended shall no longer perform the duties of any office or function in the lodge, and the Supreme Secretary or a duly authorized auditor shall immediately appoint a member or members of the lodge to fill such office until the suspension of the officer or member shall have been approved or revoked. ~~The report of the facts to the General Governor on~~ which such suspension is made shall constitute a charge against the member and the General Governor shall at once proceed to hear such charges as by law provided. In the event the Supreme Secretary or any duly authorized auditor shall discover any discrepancies or irregularities in the accounts of any officer or member of a lodge, due to incompetency, dishonesty, immorality, or any other cause, he may immediately suspend such officer or member and proceed as hereinabove stated in the event of the refusal of such officer or member to deliver all books and other things on demand.

Sec. 26.3—Duties of Auditors—Each auditor shall make such regular or special audits of a lodge or any of its officers as he may from time to time be directed or instructed by the Supreme Secretary to do. The expense of such audits shall be charged against the lodge at a rate to be determined by the Supreme Council of not exceeding twenty-five dollars (\$25.00) per day. All auditors shall perform their duties under the immediate supervision and direction of the Supreme Secretary and shall travel from lodge to lodge for that purpose, or be at the home office of the Supreme Secretary. They shall carry such credentials as the Supreme Secretary may issue to them, which credentials shall be recognized by all lodges, their officers or members, and such auditors shall make such reports to the Supreme Secretary of their work as he may from time to time require. For the faithful performance of his duties each auditor shall receive such compensation as the Supreme Council may from time to time determine.

and when traveling in the performance of his duties, in addition to his salary, be reimbursed his necessary expenses. Each auditor shall give such bond for the faithful performance of his duties as the Supreme Secretary may from time to time determine.

Sec. 26.4—Authority to Supervise all Records—The Supreme Secretary is hereby granted full power and authority to audit the books and records of any and all units, degrees, or auxiliaries, acting under the authority of the Supreme Lodge, in his discretion, and make due report thereof to the Supreme Council, with like power and authority as provided covering his dealings with member lodges.

Sec. 26.5—Quarterly Reports to Council—He shall report quarterly to the Supreme Council any unpaid charges of member lodges or any other department, unit, degree, chapter, or auxiliary, or individual acting under the authority of the Supreme Lodge; but no liquidation or settlement of such charges or accounts shall be entered into or made by the Supreme Secretary except by and with the consent and under the direction of the Supreme Council.

Sec. 26.6—Annual Report to Convention—He shall make an annual report to the Supreme Lodge, showing transactions between the Supreme Lodge and member lodges, receipts of money by the Supreme Lodge and the sources thereof, and such other information relative to the conditions of the Order, with such recommendations as he considers advisable. Said report shall be comprehensive, full and completely informative, and set up in such manner as to be readily understood.

Chapter 27—Membership Enrollment Activities

Sec. 27.1—Duties and General Powers of Director—The Director of Membership Enrollment shall perform such duties as are required of him by the Laws and as the Supreme Council may from time to time require and prescribe. He shall be in charge of the Membership Enrollment Department and shall appoint such field representatives, assistants and clerks as the Supreme Council may approve. He shall direct and supervise the institution of member lodges and the enrollment of members into the Order.

He shall make reports to the Supreme Council or the Supreme Lodge as the Supreme Council may from time to time require.

Sec. 27.2—Membership Activities Committee—A Membership Activities Committee of four (4) members, one of whom shall be the Director General, shall be appointed by the Supreme Council and shall hold office at the pleasure of the Supreme Council. The Membership Activities Committee shall perform such duties as the Supreme Council may from time to time require and prescribe and shall make reports to the Supreme Council as the Supreme Council may from time to time require.

Chapter 28—Finance Department

Sec. 28.1—Supreme Treasurer—The Supreme Treasurer shall receive all funds coming to him from any source on behalf of the Supreme Lodge, giving proper receipts therefor, and deposit the same in the name of the Supreme Lodge, in such depository or depositories as may be designated by the Supreme Council, and he shall faithfully administer all such moneys and all the funds deposited to his account or credit by the Supreme Secretary as provided by the laws of the Order. He shall sign all warrants drawn upon the treasury which are properly issued by the Supreme Secretary and approved by the Comptroller.

Sec. 28.2—Bond of Supreme Treasurer—Before receiving any of the funds of the Supreme Lodge from any source, he shall furnish, subject to the approval of the Supreme Council, an acceptable bond, in such sum as the Supreme Council may from time to time require, conditioned upon the faithful performance of his duties.

Provided, that said bond may at any time be increased by the Supreme Council to an amount in excess of all cash and the value of all other property in his possession.

Sec. 28.3—Income of Supreme Lodge—All interest and other incomes arising from funds deposited by the Supreme Treasurer shall be the property of the Supreme Lodge, and shall be credited as such to its account in his report.

Sec. 28.4—Examination of Books—He shall, without delay, at any time upon request of the Supreme Council, present all his books and papers to that body for examination.

Sec. 28.5—Comptroller—He shall perform the duties of Comptroller of the Supreme Lodge of the World, Loyal Order of Moose, and shall be under the direction and responsible to the Supreme Council.

(a) **Approve Bills:** No bills, accounts or payrolls shall be paid or any money whatever withdrawn from Supreme Lodge funds without the prior approval of the Comptroller. His decision as to the correctness and legality of any bill, claim or other proposed withdrawal of funds, shall be final, and in case of his rejection of any bill or claim he shall immediately advise the Supreme Secretary, giving his reasons for rejection. For the purpose of expediting the business of the various departments, units, degrees, auxiliaries and other bodies operating under the authority of the Supreme Lodge, the Supreme Council may designate a disbursing officer to handle the fixed charges, expenses, salaries and expenditures of similar character, provided that the handling of such funds shall be accounted for to the Comptroller under such rules as the Supreme Council may promulgate for that purpose.

(b) **Audit Books:** When so directed by the Supreme Council, the Comptroller is granted power and authority to audit the books and records of any and all elected or appointed officers or employees of the Supreme Lodge, and all departments, degrees, or auxiliaries, acting under the authority of the Supreme Lodge, and make due report thereof to the Supreme Council.

(c) **Keep Records:** The Comptroller shall keep a complete set of records covering all transactions coming under his authority. He shall make periodic reports covering the operations of his office to the Supreme Council as may be directed.

(d) **Prepare Budgets:** The Comptroller shall, upon the direction of the Supreme Council, prepare annually detailed budgets covering anticipated receipts and expenditures of the Supreme Lodge to be made during the succeeding year. Said budget shall include the anticipated receipts and expenditures of all units, degrees, auxiliaries and all other bodies and functions operating under the authority of the Supreme Lodge.

(e) **Appoint Assistants:** He may appoint and employ such assistants as are necessary for the operation of his office as may be authorized by the Supreme Council.

Chapter 29—Other Executive Offices

Sec. 29.1 — Supreme Sergeant-at-Arms — The Supreme Sergeant-at-Arms shall assist the Supreme Governor in preserving order at each session of the Supreme Lodge. He shall ascertain whether or not each person in attendance is entitled to a seat in the session before the transaction of any business of the Supreme Lodge. He shall perform all other duties required of him by the laws of the Order and by the orders of the Supreme Governor.

Sec. 29.2—Supreme Inner Guard—The Supreme Inner Guard shall have charge of the inner door of the hall in which the Supreme Lodge holds its sessions. He shall carefully and vigilantly guard the Supreme Lodge from intrusion; shall allow no one to enter the Supreme Lodge unless duly qualified, and shall perform such other duties in connection with his office as are required by the laws of the Order and the direction of the Supreme Governor.

Sec. 29.3 — Supreme Outer Guard — The Supreme Outer Guard shall have charge of the outer doors and anterooms of the hall in which the Supreme Lodge holds its sessions. He shall perform such duties as are required by the laws of the Order and as the Supreme Governor may direct.

Sec. 29.4—Deputy Supreme Governors—The Supreme Governor, with the approval of the Supreme Council, shall appoint such Deputy Supreme Governors as he may determine. They shall see that all laws are

obeyed. It shall be the duty of such Deputies to visit the lodges in their respective districts when duly authorized. They shall immediately after any official visit send written report thereof to the General Governor and make such recommendations and suggestions as they deem for the best interests of the Order.

All Deputies shall send a written report to the General Governor before the annual meeting of the Supreme Lodge, with such recommendations concerning the lodges and their districts as they think proper or necessary. Such Deputies as the Supreme Governor may authorize and direct shall attend sessions of the Supreme Lodge.

They shall have the power to inspect, demand, and take possession of all books, papers and lodge property of any lodge in their district, when so instructed by the Supreme Governor or General Governor; and it is hereby made the duty of all lodge officers to submit the same upon the request of such Deputy.

They shall be commissioned by the Supreme Governor from among the Past Governors of the Order. They shall be accorded all privileges and courtesies of Supreme Lodge Officers. Upon the completion of the term for which a Deputy Supreme Governor was appointed, he shall be determined to be a Past Deputy Supreme Governor and shall be recognized as such.

TITLE III

JUDICIAL DEPARTMENT OF SUPREME LODGE

Chapter 31—General Governor

Sec. 31.1—General Duties—The General Governor shall perform such duties as are required of him by the laws, and as the Supreme Council may from time to time require and prescribe. He shall pass upon proposed by-laws of lodges and approve same when consistent with the laws of the Order. He shall hear and decide such complaints and questions of law as are submitted to him in writing by lodges or officers thereof, and his decisions shall be final and in full effect unless and until reversed upon appeal as provided by the General Laws. He shall pass upon all requests for dispensations in accordance with the General Laws.

Sec. 31.2—Specific Authority—He shall have power and authority to suspend the charter of a lodge when, in his judgment, such action is necessary, and, by and with the consent of the Supreme Council, may revoke charters whenever the facts justify such action. He shall have authority to suspend any officer of a lodge for incompetence or improper conduct as an officer, as a Moose, or as a gentleman, pending an investigation of the accounts of such officer, of his actions or conduct, and to appoint a successor to act during the time of such suspension. He shall have authority to suspend for improper conduct as a Moose or as a gentleman, a member of any lodge or other unit of the Order, pend-

ing an investigation of the actions or conduct of such member. Such suspension shall continue until the final disposition of the matter;

Provided, that whenever time and circumstances permit, the member, officer, or lodge involved in the matters in this section referred to, shall be given an opportunity to show cause before final action of the General Governor.

Sec. 31.3—Reports and Records—He shall keep a record of his rulings and decisions and shall make such reports to the Supreme Council or the Supreme Lodge, as the Supreme Council may from time to time require.

Sec. 31.4—Power to Recruit Lodges—When, in the judgment of the General Governor, conditions require it, he may direct any lodge which has not made any special effort to recruit its membership for a period of three months, to open its charter and to cause such lodge to make an agreement with the Membership Enrollment Department for the purpose of recruiting said lodge at an enrollment fee to be determined by the General Governor; which in no event shall be less than \$10.00 unless upon special showing in exceptional cases with the consent of the Supreme Council a lesser fee is agreed upon.

Sec. 31.5 — Supervision Over Lodge Property—Whenever he deems it necessary, he may, in person, or by deputy, receive and take possession of the books and property of any lodge of the Order for inspection, and upon such demand, it shall be the duty of all lodge officers or members immediately to deliver over all books, papers, and records to the General Governor or his representative, and in his discretion he may have the same audited at the expense of the lodge.

Chapter 32—General Counsel

Sec. 32.1—Employment—The Supreme Council shall employ for a period of time to be specified a licensed and practicing attorney to be known as the General Counsel.

Sec. 32.2—Duties—He shall represent the Supreme Lodge and all its units, degrees, boards, and bodies in all litigation. He shall advise and consult with the Supreme Lodge, its governing bodies and board when requested, and render such legal opinions pertaining to the affairs of the Order as they may request.

He may appoint, with the approval of the Supreme Council, assistants to be compensated in an amount to be fixed by the Supreme Council. Such assistants to be allowed traveling and transportation expenses when engaged in the business of the Supreme Lodge.

The General Counsel and such assistants shall perform such other and further duties as the Supreme Council may direct from time to time.

Chapter 33—Supreme Forum

Sec. 33.1—Appointment and Composition—The Su-

preme Forum shall consist of five (5) members to be designated as Justices.

The Justices of the Supreme Forum shall be appointed for a term of five years by the Supreme Governor with the consent of the Supreme Council. Any vacancy shall be filled by appointment for the unexpired term in the same manner. The member whose term shall first expire shall be the Chief Justice of the Supreme Forum. The retiring Supreme Governor shall appoint one Justice of the Supreme Forum at each annual meeting of the Supreme Lodge.

Sec. 33.2—Duties—The Supreme Secretary shall be Clerk of the Supreme Forum. He shall keep a complete and correct docket of all matters and shall execute the mandates of the Supreme Forum.

Sec. 33.3—Meetings—The Justices of the Supreme Forum shall meet in the city where and during the time the Supreme Lodge Convention is in session and shall formulate a report signed by each member of the Supreme Forum present at such meeting, and file same with the Supreme Secretary. Other meetings may be held at the call of either the Chief Justice or a majority of the members of the Supreme Forum. Meetings shall be held at the time and place designated in the notice thereof. The Chief Justice shall preside at each meeting of the Supreme Forum, except in such cases as he may designate some other member of the Supreme Forum to preside.

Sec. 33.4—Quorum—A majority of Justices shall constitute a quorum and shall sit at the hearings of all matters.

Sec. 33.5 — Jurisdiction — The Supreme Forum shall have original jurisdiction in all matters involving charges against a Supreme Lodge Officer or a representative to the Supreme Lodge.

Sec. 33.6—Authority—The Supreme Forum shall be the highest judicial tribunal of the Order, and is vested with all the authority set forth herein, and such other authority as may be necessary to enable the discharge of all duties incumbent upon it.

Sec. 33.7 — Appellate Jurisdiction — The Supreme Forum shall have appellate jurisdiction in all cases of appeal or reference from the decisions, orders, or judgments of the General Governor or Supreme Council; and upon such appeal or reference, any decision, order, or judgment made by the Supreme Forum shall be conclusive and final.

Sec. 33.8—General Powers—The Supreme Forum has power:

(a) To prescribe rules governing the practice and hearing of matters before the Supreme Forum.

(b) To issue a subpoena requiring the attendance of a person to testify in a proceeding pending before that tribunal; and to fix the compensation to be paid

such person; and to direct the payment of such compensation from Supreme Lodge funds.

(c) To administer an oath or affirmation to a witness in the exercise of the powers and duties of the Supreme Forum.

(d) To affirm, modify, suspend, or revoke any penalty inflicted upon any member lodge or member of the Order, by the Supreme or member lodge or any officer thereof.

(e) To make such decisions, orders, or judgment and to inflict such fines, suspensions, expulsions or other penalties, as the Supreme Forum may deem necessary or proper.

(f) To do all things necessary to carry into effect the powers, duties and jurisdiction of the Supreme Forum.

Sec. 33.9—Procedure of Hearings—All matters except appeals shall be commenced by the filing with the Clerk of the Supreme Forum, of a verified petition and seven copies thereof. The defendant's or other adverse party's appearance must be made by filing an answer and seven copies thereof with the Clerk within twenty days after service of the petition upon the defendant or other adverse party.

Within twenty days after service of the answer upon the petitioner such party may file a reply and seven copies thereof with the Clerk. Within twenty days after a petition, answer or reply has been filed with the Clerk, any pleadings may be once amended of course. Upon written application, amended or supplemental pleadings may be permitted at any time before hearing by order of the Supreme Forum.

The Supreme Forum at any time, not less than twenty days before the opening of the hearing, upon the written application of any party, may direct any party to the proceeding to file with the Clerk a bill of particulars concerning any matter at issue, and upon failure to file such bill of particulars the Supreme Forum may preclude such party from giving evidence of the fact or facts of his allegations of which particulars have not been filed. A motion may be made by any party at any time to dismiss the proceeding or any pleading because of lack of jurisdiction, insufficiency in law or fact, or otherwise. The Forum may extend, by order, the time for filing any pleading.

The Clerk of the Supreme Forum at the time of the filing of each pleading shall forthwith serve copies thereof upon the Justices of the Supreme Forum and upon all parties directly involved in the proceeding. Upon failure of the defendant or other adverse party to appear or answer, or upon the joinder of issue and the expiration of the foregoing period of time, or upon the filing of a petition in any matter on appeal, or in an ex parte proceeding, the Chief Justice shall designate a date and place for the hearing of the matter

referred to in the petition so filed. The Clerk shall thereupon give not less than twenty days notice of such hearing to the Justices and to all persons directly involved in the proceeding.

The Supreme Forum may permit any party to file briefs or written arguments at any stage of the proceeding. Any party may appear in person or by counsel. Upon default of any party, the Supreme Forum shall proceed to hear the proof of the party properly before the Supreme Forum. A decision in each matter coming before the Supreme Forum shall be made in writing, signed by not less than a majority of the Justices, and filed with the Clerk.

Sec. 33.10—Rules of Evidence—The Supreme Forum shall be the judge of both law and fact. The Supreme Forum shall adopt and apply the rules of evidence in use in the courts of record of the State of Illinois at the time of hearing.

Sec. 33.11—Rules of Pleading and Service—All papers served or required to be filed, shall be written, typewritten, or printed plainly and legibly in black ink, in the English language, on durable white paper of the usual legal cap or letter size; only legible copies may be served and filed. Service of any papers shall be by personal delivery or United States mail, or otherwise when directed by an order of the Supreme Forum.

The petition shall state facts sufficiently clearly to show the nature of the claim and the prayer of the petitioner. The burden of proof shall be upon the petitioner and he shall establish his cause by a fair preponderance of evidence.

Sec. 33.12—Procedure of Appeals—Any party interested in any decision, order or judgment mentioned in Sec. 33.7 may appeal from such decision, order or judgment to the Supreme Forum.

(a) The party appealing shall file with the Supreme Secretary, the Clerk of the Supreme Forum, a notice that he appeals from the decision, order or judgment; such notice to be filed not more than thirty (30) days after such decision, order or judgment appealed from has been made or entered;

(b) Such notice of appeal to be accompanied by statement setting forth briefly the questions involved and in what manner the decision, order or judgment is in error. Any error not specified in such statement will not be considered by the Supreme Forum.

(c) Seven (7) copies of the notice and seven (7) copies of the statement shall be filed with the originals.

(d) The Clerk of the Supreme Forum, on receipt of such notice and statement, shall serve a copy of both documents on the adverse party in the manner provided for service in Sec. 33.11;

(e) Upon receiving such notice, and statement and after service of a copy of the same on the adverse

party, the Clerk of the Supreme Forum shall forward the original and copies making up the file to the Chief Justice.

The Chief Justice, on receipt of the record and file, shall, by appropriate order, determine whether the matter shall be heard on briefs or on oral argument. If on briefs, he shall fix the time within which the parties may file their briefs; if on oral argument, he shall fix the time and place, when and where such oral argument may be heard. The Chief Justice or the Supreme Forum may order and direct the filing of briefs and also oral argument.

Either party may conduct the appeal and the proceedings thereon in person or by counsel.

The Chief Justice, by appropriate order, may direct for the use of the Supreme Forum, the production of a transcript of the minutes, testimony or records and any other form of evidence used in or relating to the proceedings out of which the appeal arises, or so much thereof as the Chief Justice may determine is necessary to afford a clear understanding of the merits of the matter on appeal. If the Supreme Forum deems it necessary for a full determination of the appeal, it may require additional testimony to be taken, or additional records or evidence to be produced; and to that end the Supreme Forum may take additional testimony itself.

The Chief Justice may, by appropriate order, direct either party to the proceeding on appeal to pay as costs, in advance, a sum sufficient to cover the reasonable cost and expense in procuring the testimony, records or other evidence to be used on appeal; the Supreme Forum may, as part of its judgment, assess costs as it deems fit and proper.

Chapter 34—General Judicial Provisions

Sec. 34.1—Qualifications of all Supreme Lodge Officers.—All Supreme Lodge Officers and Committeemen shall at the time of their appointment and throughout the term of their service, be in good standing in a lodge of the Order, which lodge is itself in good standing. All officers and committeemen of lodges, elective and appointive, shall be in good standing in their respective lodges at the time of their nomination, election or appointment, and continually during the time they hold such office. Failure to remain in good standing on the part of any Officer or Committeeman of the Supreme Lodge or any lodge shall vacate such office.

Sec. 34.2—Qualifications of Lodge Representatives.—All representatives of member lodges shall be in good standing at the time they are certified by the Credentials Committee, and the lodge of which they are a member shall likewise be in good standing before such representative shall be allowed to participate in the business of the Supreme Lodge in any manner, other than as a visitor.

Sec. 34.3—Limitation of Lodge Authority—The lodges of the Order, the legions, the chapters, or any other unit of the Order, or any officer or member thereof, shall not be the agent or representative of the Supreme Lodge, and shall not impose any liability upon the Supreme Lodge in the transaction of any business, and particularly not in the matter of the election and enrollment in such units of applicants for membership therein, nor in the conduct of any activity of such units or in any dealing of any kind whatsoever by such units with their members or other persons.

TITLE IV STATE AND PROVINCIAL ASSOCIATIONS

Chapter 41—Organization

Sec. 41.1—Creation—The lodges of any state, territory, or province may, by consent of the Supreme Council, organize and maintain a state, territorial, or provincial association composed of lodges of that state, territory, or province; or the lodges of two or more states, territories, or provinces may organize and maintain an association composed of lodges of those states, territories, or provinces. Where conditions may deem it advisable, any state, territory, or province may be divided into districts, and the lodges of any such district may organize and maintain an association composed of lodges of such district.

Sec. 41.2—Powers and Limitations—Each association shall have power to regulate its own internal affairs in such manner as it shall see fit not inconsistent with the Constitution and General Laws. No association shall have or exercise any executive, legislative or judicial functions except concerning its own internal affairs, nor have jurisdiction over the lodges of which it is composed, nor of their members.

Sec. 41.3—By-Laws—On and after September 1, 1939, the Constitution and By-Laws of any such association heretofore or hereafter organized, and all amendments thereto and changes therein, and all amendments to and changes in the Constitution and By-Laws of any such association now organized and maintained, shall not become effective unless and until the same shall have been approved by the Supreme Council or by such authority as shall be designated for such purpose by the Supreme Council.

Chapter 42—Limitations

Sec. 42.1—Supervision by Supreme Lodge—All state, territorial, and provincial associations now or hereafter organized and maintained shall at all times be amenable and subject to the supervision and control of the Supreme Lodge and its qualified Officers.

Sec. 42.2—Governing Body—The governing body of any such association whenever used in these General Laws shall be construed to be the association itself.

Sec. 42.3—No Endorsements—No such association

shall either directly or indirectly endorse the candidacy of any person for any office in the Supreme Lodge nor take any action whatever in any manner concerning the same; nor shall any such association take any action whatever on any political, legislative or public policy matter, whether general or local, unless such action be in accord with previous action of the Supreme Lodge, or unless the action taken be approved by the Supreme Council before such action is promulgated or made public.

Sec. 42.4—Furnish Information—Each such association shall furnish to the Supreme Secretary a correct list of its officers and the lodges composing it, together with the correct post office address of such officers and each member of its governing body, and shall at all times promptly furnish to the Supreme Secretary or to any officer or authority designated by the Supreme Council, any other information that may be requested.

The Supreme Council, or any Officer or Committee of the Supreme Lodge, may call upon the governing body or any officer of any such association for advice, recommendation or information concerning any matter arising within the geographical division for which such association is organized, and it shall be the duty of such governing body or officer to furnish such advice, recommendation or information so called for, but such advice, recommendation or information shall not be binding upon the Supreme Council or Officer or Committee of the Supreme Lodge calling for the same.

Sec. 42.5—Suspension—The Supreme Council may suspend any such association whenever, after investigation, it is satisfied that such association has been guilty of violating any of the provisions of the Constitution or General Laws of the Order. In case of such suspension the Supreme Council shall report the same, together with the reasons therefor, to the Supreme Lodge at its next session, and the Supreme Lodge shall take such action as it may see fit. If the Supreme Lodge shall so determine by a majority vote of the members voting upon such proposition, such association may be ordered to dissolve and wind up its affairs and thereafter such association shall cease to be a legal association and shall transact only such business as may be absolutely necessary to effect its dissolution.

Sec. 42.6—Dissolution—No lodge shall become or be a member of any such association that shall have been ordered to dissolve as provided in the next preceding section, nor shall any member of the Order be or act as an officer or committeeman or otherwise of any such dissolved association, except for the sole purpose of winding up its affairs. Violation of this section shall be punishable by suspension or revocation of the charter of any such lodge, or by fine, removal from office, suspension or expulsion from his lodge of any such member, in manner as provided by the General Laws.

LAWS FOR MEMBER LODGES

TITLE V

LODGE ORGANIZATION

Chapter 51—General Provisions

Sec. 51.1—Lodges Classified—For the purpose of administrative handling, Lodges may be classified in three (3) classes: Class "A"—Lodges of one thousand (1,000) members and over. Class "B"—Lodges of two hundred (200) members and less than one thousand (1,000). Class "C"—Lodges having less than two hundred (200) members. The Supreme Council and the Supreme Secretary are authorized to provide rules and regulations to carry this Section into effect.

Sec. 51.2—Seal of the Lodge—As soon as practicable after the institution of a lodge, the Supreme Secretary shall provide it with a metal seal. Upon the surface thereof shall be a circle, in the center of which shall be a facsimile of a moose head, and about the periphery shall be the name, number, location and date of institution of the lodge.

Chapter 52—New Lodges

Sec. 52.1—Petition for Charter and Name—Petition for lodge charter must be made in writing by not less than fifty persons qualified as required for membership in lodges. At least thirty of the petitioners must be present when the lodge is instituted.

A duly authorized and chartered Lodge shall be known as
Lodge No. , Loyal Order of Moose.

Sec. 52.2—Dispensation for Charter—A lodge shall not, under any conditions or circumstances, be instituted until a dispensation in proper form is issued by the Supreme Secretary and placed in the possession of some duly authorized representative of the applicants for charter.

Sec. 52.3 — Issuance of Charter—The Supreme Secretary shall forward a charter to the Secretary of each newly instituted lodge within 30 days after receiving proper application containing a certified list of the charter members. The charter shall be of the form adopted by the Supreme Lodge and shall bear the signatures of the Supreme Governor and the Supreme Secretary, together with the imprint of the seal of the Supreme Lodge.

Sec. 52.4—New Lodge Officers—At the institution of a new lodge, the authorized representative of the Supreme Lodge shall appoint the officers for the first term, including the Junior Past Governor.

Sec. 52.5—Issuance of Supplies—The Supreme Secretary shall, after receiving the required petition for charter, forward to the authorized representative the official paraphernalia and supplies required for the institution of a lodge, as prescribed by the Supreme Council.

Additional supplies for the use of lodges shall be secured only from the Supreme Secretary upon terms stated when requested. All supplies required to be secured through the Supreme Secretary are for the exclusive use of the lodge, and for that purpose are held in trust. Upon the dissolution of a lodge, all supplies so secured must be returned to the Supreme Secretary.

If for any reason a lodge be not duly instituted within a period of sixty days after the date of issue of the dispensation therefor, all paraphernalia and supplies furnished by the Supreme Lodge shall be returned in good condition to the Supreme Secretary.

Sec. 52.6 — Institution Report — Within five days after the institution of a lodge the Supreme Lodge representative instituting the same shall forward to the Supreme Secretary a proper institution report. Such report shall contain the names and addresses of the officers appointed.

Sec. 52.7—Establishment of By-Laws—Each lodge shall adopt such by-laws as its needs require and as are not inconsistent or in conflict with the laws enacted by the Supreme Lodge or regulations established by the Supreme Council. Said by-laws may provide for a welfare system, sick, funeral or other forms of benefits as authorized by the General Laws, or the Supreme Council. All such by-laws are subject to the approval of the General Governor and shall not become effective until they have been submitted in duplicate to the General Governor and approved by him in writing. One copy of the proposed and approved by-laws of each lodge shall be kept on file in the office of the General Governor and the other duly approved copy shall be returned to the lodge.

Chapter 53—Officers—Nomination—Election—Representation

Sec. 53.1—Elective Officers—The elective officers of a lodge shall consist of a Governor, Junior Governor, Prelate, Secretary, Treasurer, and three Trustees. With the exception of the Secretary, they shall be nominated the last meeting in March and shall be elected the first meeting in April of each year, all of whom shall serve for one year, except the Trustees, who shall be elected for three years, provided that the terms shall be so arranged that one will expire each year; provided, further, the report of the Nominating Committee shall be made two weeks before election. Each officer shall serve until his successor is elected and qualified, provided that no nomination shall be made on the night of the election for any office except for such office for which there is no nominee, and then only upon a dispensation from the General Governor. The Secretary shall be nominated by the Board of Officers and elected by the lodge, subject to confirmation by the Supreme Council, for a term of satisfac-

tory service, whereupon, he becomes a member of the Board of Officers. The same procedure will apply in filling any vacancy in the office of Secretary created by death, resignation, or otherwise. The retiring Governor shall serve as the Junior Past Governor, provided that he shall have completed the term for which he was elected as Governor. Past Governorship is a condition and not an office, and remains with the member so long as he continues his good standing in the Order.

Sec. 53.2—Nominating Committee—The by-laws of the lodge shall provide for a Nominating Committee to consist of the elective officers of the lodge, five Past Governors (if the lodge has so many) in their order of juniority, and five members of the lodge to be appointed by the Governor. A larger Nominating Committee may be provided for when in the opinion of the lodge such is necessary for the good of the lodge, upon a special dispensation therefor secured from the General Governor.

Sec. 53.3—Meetings of Nominating Committee—The Nominating Committee shall be organized not later than the last meeting in February and shall give notice of the time and place of its meeting either by written communication addressed to the Secretary of the lodge or by a verbal statement in open lodge. Any aspirant for an elective office in the lodge may submit his name to the Nominating Committee at least three weeks prior to the date of the regular election, or two weeks prior to the date of any special election. The Nominating Committee shall consider all names submitted and shall select from the names submitted, or others, at least one candidate for each office to be filled not later than two weeks before the date of the election, in the form of a report in writing to the lodge, giving the names of the members selected by it. And the names so chosen by the Nominating Committee shall be placed upon the official lodge ballot.

Sec. 53.4—Nominating by Petition—Any member of the lodge not nominated by the Nominating Committee who desires to be a nominee for any office may have his name placed upon the official ballot of the lodge by the petition and signatures of ten per cent of the first five hundred members and five per cent of the membership of the lodge in excess of five hundred, all of whom must be in good standing and not in arrears for dues at the time of signing such petition. Such petition shall be in no case signed by anyone prior to the report of the Nominating Committee, and must be in the hands of the Secretary at least one week before the date of the election. Such nominating petition shall contain substantially the following words and no other, to wit: "We, the undersigned members in good standing in Lodge No., Loyal Order of Moose, hereby nominate,

a member in good standing of said lodge, for the office of _____

Sec. 53.5—Eligibility of Officers—A member shall not be eligible to the office of Governor, Junior Governor, or Prelate of a lodge until after he has been a member thereof for a period of six months preceding the date of his election, except upon a dispensation from the General Governor. This requirement shall not apply to a newly-instituted lodge. No member shall be eligible for election to more than one office in the lodge at the same time. A member under suspension because of charges preferred against him, shall be eligible as a candidate for election to office, but if found guilty of the charge, the office shall be declared vacant and an election held to fill the same.

Sec. 53.6—Voting—Only members who have their dues paid up to or beyond the date of the election are eligible to vote for the election of officers. A lodge may use the Australian ballot and a period of not more than 12 hours shall be used for said election. The candidate for each office receiving a plurality of the votes cast, shall be declared elected.

Sec. 53.7—Campaigning for Office Prohibited—The printing, circulating or distribution of resolutions, letters, tickets or other written or printed matters, by a member or members, suggesting, recommending, opposing or containing the names of proposed candidates for office, is hereby prohibited. For any violation of this section, the General Governor may suspend the offending member or members, and he may in his judgment, declare the election of such officer or officers void and order a new election.

Sec. 53.8—Installation—The Junior Past Governor (who served as such during the past year) shall be the installing officer of his lodge and shall install all duly elected officers at the last meeting in April of each year, to take office as of midnight, April 30, provided the certificate of good standing, based upon the January 31 immediately preceding report, has been received from the Supreme Lodge. If for any reason the Junior Past Governor cannot act, any Past Governor appointed by the Governor may conduct the installation ceremonies.

Sec. 53.9—Duties of Officers—All officers of lodges whose duty it is to take part in ritualistic work shall be required to memorize within a reasonable length of time such parts of the Ritual as are assigned to them.

Compensation—None of the lodge officers, except the Secretary, shall receive any compensation for his services.

Surety—The Governor, Secretary, Treasurer and Trustees of each lodge, and the Secretary, Treas-

urer and Steward and other employees of the House Committee of each lodge, shall each give a surety bond under the supervision of the Supreme Secretary in such sum as he may require. The premium for such bonds shall be paid by the lodge. Every officer and member of the lodge is morally bound to use all reasonable means to bring to justice by proper criminal prosecution any officer guilty of any offense involving moral turpitude in handling the property of the lodge.

Sec. 53.10—Vacancy—All vacancies in any of the elective offices except that of Secretary of a lodge shall be filled by election, but all nominations therefore shall be reported by the Nominating Committee at a regular meeting at least two weeks previous to the election, provided, however, that the General Governor for good cause shown may issue special dispensation waiving such election and authorize that the vacancy be filled by appointment.

Sec. 53.11—Representation to Supreme Lodge—The Governor and Secretary of a member lodge, by virtue of their offices, shall be its representatives to the Supreme Lodge during their terms of office. Alternate representatives shall be nominated by the Nominating Committee and elected at the time of the election of officers. The alternate representatives shall be any Past Governor or elective officer in good standing of such lodge.

Each lodge shall promptly certify its representatives and alternates to the Supreme Secretary, and thereupon the Supreme Secretary shall issue a certificate to said representatives and alternates.

Each representative from any district created under the laws of the Order shall be certified to the Supreme Secretary by all lodges in said district, and the Supreme Secretary shall issue a certificate in the same manner as provided for member lodges.

* Such certificate must be presented to the Committee on Credentials which shall pass upon the eligibility of each representative to a seat in the Supreme Lodge meeting.

The representative of a lodge shall not be entitled to a seat in any meeting while his lodge is in arrears for any lawful charges of the Supreme Lodge. All disputes as to any charges against the lodge shall be finally determined forthwith by the Supreme Secretary at the time the representative of the lodge presents his credentials to the committee.

It shall be the duty of the representatives to the Supreme Lodge Convention to attend the sessions thereof and submit a written report to their lodge, at the next regular meeting following the Supreme Lodge Convention.

Chapter 54—Governor of the Lodge

Sec. 54.1—To Preside—It shall be the duty of the Governor to preside at all meetings of the lodge, to preserve order, and to apply and enforce all of the laws of the Order, and impose reasonable fines upon members for offenses or misconduct committed while the lodge is in session or committed in the lodge room or club rooms of the lodge in his presence.

Sec. 54.2—Parliamentary Questions—He shall, subject to appeal, decide all parliamentary questions which may arise in the lodge.

Roberts' Rules of Order shall govern all proceedings of lodges except as otherwise provided herein.

Sec. 54.3 — Appoint Officers — The Governor shall appoint a Sergeant-at-Arms, Inner Guard and Outer Guard, who shall serve at the pleasure of the Governor.

Sec. 54.4—Appoint Committees—He must, at the first regular meeting after being installed, appoint all members of such standing committees as the by-laws may prescribe; and such other committees as may be required from time to time. He shall be a member of all committees of the lodge, and may require reports from all committees and all officers of the lodge at his pleasure. The regular standing committees of each lodge shall include an Endowment Fund Committee, Membership Committee, Membership Conservation Committee, Civic Affairs Committee, Ritualistic Committee, Publicity Committee, and Sports Committee. Each committee shall consist of at least three (3) members in good standing in the lodge.

Sec. 54.5—Appoint Auditing Committee—He shall, at the first regular meeting after being installed, appoint an Auditing Committee of three members of the Lodge in good standing, to serve for one year. He shall demand and receive from all officers of the lodge all stocks, bonds, notes, and all accounts and records of the lodge that may enable the Auditing Committee to make a full and correct report. Neither the Secretary, Treasurer, nor any of the Trustees shall be a member of the Auditing Committee.

Sec. 54.6—Chairman of House Committee and Benefit Board—He shall be Chairman of the House Committee and of the Benefit Board, but he may designate a member to act for him.

Sec. 54.7—Inspect Ballots and Books—He shall, in conjunction with the Junior Governor, inspect all ballots cast on applicants and shall cast the deciding vote upon all questions before the lodge on which there may be an equal division of members, except in the election of officers and alternate representative.

He shall have the right to examine all books, records and documents of any officer of the lodge at any

time and shall examine said books, records, and documents from time to time as shall be determined by him to be necessary for the protection of the funds of the lodge.

Sec. 54.8 — Secretary Funds Deposited and Sign Warrants—He shall sign all warrants drawn by the Secretary, which have been voted by the lodge, together with such cards, certificates and notices as may require his signature. He shall, with the Secretary and Treasurer, be custodian of all securities.

He shall see that all funds of the lodge are deposited in bank weekly by the Secretary, in the name of the lodge, and that a certified deposit slip is given the Treasurer for each and every deposit so made.

Sec. 54.9 — Custodian of Rituals —The Governor shall at all times have charge and custody of the printed copies of the Rituals of the lodge and all written portions of the secret work of the Order, shall keep the same in a safe place when not in use, and be responsible therefor.

Sec. 54.10—Declare Office Vacant—When any officer of the lodge is absent for three consecutive regular meetings without being excused by the lodge, or if his dues shall not be paid on or before the 15th day of the first month of each quarter, the Governor may declare such office vacant and order an election to fill such vacancy. In the event that the Governor of the lodge shall have been absent for three consecutive meetings, without excuse from the lodge, the Junior Past Governor may declare his office vacant and order an election as provided by law. If the Junior Past Governor of the lodge is not in good standing, this duty shall be performed by the Trustees.

Sec. 54.11—Drop Members From the Roll—He shall, upon receipt of a proper certificate of the clerk of any court, wherein a member has been convicted of any crime punishable by imprisonment, or upon other satisfactory proof that such facts exist, declare such member expelled from the lodge and order his name stricken from the membership roll and may direct the Secretary to drop from the rolls any member who has neglected to pay his dues or any other lawful charge due the lodge from him within thirty (30) days after the same became due.

Sec. 54.12—Duties to the Sick and Bereaved—Immediately after being notified of a member's sickness or disability, he shall, in cooperation with the Junior Governor, cause one or more members of the Board of Officers to visit the disabled member at least once a week during his illness, unless other provision therefor is made by the lodge, and provided, the residence of such member is within the jurisdiction of the lodge.

He shall, at the proper time, make the necessary arrangements for the burial ceremony if requested by the family of a deceased member.

Sec. 54.13—General Duties—He shall perform all other duties required of him by the laws and Ritual of the Order. He shall properly compile his portion of the certified report to the Supreme Secretary on the forms prepared by the Supreme Secretary and give such other information as may be required.

Chapter 55—Secretary

Sec. 55.1—Keep Financial Accounts—He shall correctly keep the lodge Accounts in such books as may be required by the Supreme Lodge, and shall receive all money except as otherwise provided herein. He shall deposit at least once each week, in the bank designated by the lodge as the depository of the lodge, funds to the credit of the lodge, all such moneys and other collections, and shall make a deposit slip for each of such deposits in duplicate, leaving one such deposit slip with the bank and giving the other to the Treasurer of the lodge, and secure a receipt therefor in part three of the Secretary's cash book in manner and form as though the moneys had been delivered to the Treasurer of the lodge instead of the deposit slips.

Sec. 55.2—Keep Records of Memberships—He shall keep in such books as the Supreme Lodge may require true and accurate accounts between the lodge and each member thereof. He shall preserve and file all health statements and applications for membership and all applications for sick benefits presented by the members as part of the permanent records of the lodge. He shall, at the first meeting in February, May, August and November, make a report in detail to the lodge of the financial condition of the lodge, as shown by the books for the preceding quarter, the standing of the membership, and those in arrears. He shall, at least ten days prior to the beginning of each quarter, notify each member of the lodge by mailing to his last known post office address a proper notice of the beginning of the new quarter, the amount of dues for the same, and the amount of arrearage, if any. He may, at the expiration of thirty days from the time when the quarterly dues are payable, read in open lodge the names of all members who are in arrears, and the amount due from each.

Sec. 55.3—Keep Securities—The Secretary, with the Governor and Treasurer, shall be the custodian and be responsible for the securities and valuable papers of the lodge and keep them in some safe place as they may provide.

Sec. 55.4—Make Quarterly Report—For the purpose of making a quarterly report to the Supreme Secretary, he shall close his books as of twelve o'clock noon, on the last business day of the months of January, April, July and October of each year, and shall immediately deposit all moneys on hand. He shall then assist the Auditing Committee in preparing a complete, certified quarterly report on printed forms furnished by the Su-

preme Secretary, between the first and tenth day of February, May, August and November of each year, covering all transactions for the period of three months immediately preceding the closing of the books. He shall accompany this report to the Supreme Secretary with certificates from all banks in which the moneys of the lodge are deposited, certifying the balance on hand in each bank at the close of business at the last day of the quarter for which the report was made. He shall also accompany the quarterly report with the amount of Supreme Lodge Dues (A.B.C.D.), Endowment Fund Collection, Enrollment Fees, and all other moneys due the Supreme Lodge at the time of closing his books for the purpose of the report; and also the full amount of all Supreme Lodge Dues, and all other moneys to become due the Supreme Lodge, paid by members who have paid in advance of the fiscal quarter.

Sec. 55.5—Furnish Information to Supreme Lodge—He shall, immediately upon receipt of request from the Supreme Secretary, furnish to the Supreme Secretary a complete list of the names and addresses of all the members of the lodge in good standing, and shall keep such list correct month by month.

When requested by the Membership Enrollment Department or its representatives, during any period that his lodge is operating under a dispensation, he shall furnish all information concerning the membership.

Sec. 55.6—Approve all Papers—He shall sign all cards, receipts, certificates, communications, reports, instruments, documents and papers, affix the seal of the lodge upon all such documents, and draw, sign and deliver all warrants to the parties entitled thereto.

Sec. 55.7—General Duties—He shall keep a full and accurate record of all the proceedings of the lodge.

He shall read all reports, bulletins, applications and other communications to the lodge and conduct such correspondence as is necessary or as may be directed by the lodge, and preserve copies thereof.

He shall deliver to his successor in office all books, papers and all other property of the lodge which may be in his possession.

He shall perform all other duties required of him by the laws and Ritual of the Order.

Sec. 55.8—Compensation—As compensation for his services he shall be paid a percentage only of the actual membership fees and dues collected, of not to exceed 10%; provided, however, that the Supreme Council may, upon proper showing in any case, fix a different scale of compensation. Such compensation may be paid monthly or quarterly, but not until the Auditing Committee has audited his accounts for the period covered. In determining the compensation of the Secretary, no account shall be taken of any other moneys received or collected by him except the actual

membership fees and dues collected. It shall be his duty to use diligence in the collection of dues from all members.

Chapter 56—Treasurer

Sec. 56.1—General Duties—He shall receive from the Secretary deposit slips showing the deposits made by him in the designated bank in the name of the lodge of all moneys of the lodge and shall give a receipt therefor in part three of the Secretary's cash book. Should any of the moneys of the lodge come to his hands, nevertheless, in the forms of cash or usual commercial paper, he shall deliver same to the Secretary for deposit in bank as hereinbefore provided. He shall, with the Governor and Secretary, be custodian of all securities.

He shall perform all other duties required of him by the laws and Ritual of the Order.

Sec. 56.2—Sign all Warrants—He shall sign all warrants drawn by the Secretary on the treasury of the lodge, provided same have been ordered by the lodge, and signed by the Secretary and Governor thereof.

Sec. 56.3—Successor—He shall deliver to his successor all moneys, books, papers, and other property of the lodge which he may have in his possession.

Chapter 57—Junior Governor and Prelate

Sec. 57.1—Junior Governor-Assist the Governor and Preside—He shall assist the Governor in preserving order and decorum in the lodge, and in conjunction with him inspect all ballots on applicants.

He shall have charge of the door during sessions of the lodge.

He shall preside over the deliberations of the lodge in the absence of the Governor.

He shall be a member of the Benefit Board and shall visit the sick, needy or distressed.

He shall be a member of the House Committee and perform all other duties required of him by the Laws and Ritual of the Order.

Sec. 57.2—Prelate—General Duties—He shall be a member of the Benefit Board and the House Committee, and in the absence of the Governor and Junior Governor, he shall preside over the deliberations of the lodge and shall perform all other duties required of him by the laws and Ritual of the Order.

Chapter 58—Other Offices of the Lodge

Sec. 58.1—Trustees—The Trustees shall take an inventory of all furniture and fixtures and other physical property of the lodge at least once each year, and oftener if required by the Governor or the lodge, and they shall deliver same to the Governor. They shall examine, investigate and audit all bills, excepting those recommended by the Benefit Board and those which are recurrent overhead items, such as charges for rent,

telephone, Supreme Lodge Dues, etc., and shall report to the lodge their recommendations as to payment. A majority of the Trustees may act. They shall perform all other duties required of them by the laws of the Order or by the lodge.

Sec. 58.2—Sergeant-at-Arms—He shall introduce all visitors and conduct them to seats within the lodge. He shall have charge of all the properties and paraphernalia of the lodge, not otherwise provided for, and perform all other duties required of him by the Governor, and all other duties required of him by the laws and Ritual of the Order.

Sec. 58.3—Inner Guard—He shall have charge of the inner door of the lodge room under the supervision of the Junior Governor, and shall perform all other duties required of him by the laws and Ritual of the Order.

Sec. 58.4—Outer Guard—He shall have charge of the outer door and the ante-room, and shall perform all other duties required of him by the laws and Ritual of the Order.

Sec. 58.5—Junior Past Governor—The Junior Past Governor shall be the installing officer of his lodge. He shall be a member of the board of officers, the House Committee, and the Benefit Board. In the absence of the Governor, Junior Governor and Prelate, he shall preside over the deliberations of his lodge.

Chapter 59—Committees and Units

Sec. 59.1—Auditing Committee—It shall be the duty of the Auditing Committee to audit monthly or daily, if it is desired, all of the books and accounts of the Secretary, Treasurer and Trustees, House Committee (if club is operated); and all other officers or committees that may be handling lodge funds, and shall demand for inspection and examination all books, bills, accounts and other evidence of value or debt bearing upon the records or reports of any Officer or Committee. The Chairman of the committee shall see that the printed "Instructions to the Auditing Committee" issued by the Supreme Lodge are followed in every particular. The Committee shall supervise the keeping of records by officers and committees of the lodge involving finances.

Quarterly Audit.—It shall be their duty to make a complete audit of all lodge and club records and accounts immediately after the close of each quarter on January 31, April 30, July 31 and October 31 of each year, and with the assistance of the Governor and the Secretary, shall compile the quarterly certified report to be sent to the Supreme Secretary, between the first and tenth day of February, May, August and November of each year, covering all transactions of the lodge for the three months immediately preceding.

Special Audit.—Whenever, in the opinion of the

Governor of the lodge or the Auditing Committee thereof, it is deemed necessary or expedient, shall make an audit of the books of the Secretary or Treasurer, or Trustees; and such officers shall deliver to the Auditing Committee such papers or books, or other documents as it may demand. If any such officer refuses to comply with the demands of the Auditing Committee, the Governor shall suspend such officer, and appoint his successor to act until an investigation of his accounts and conduct is made. The Auditing Committee shall at all times see that the books and records of the Secretary, Treasurer and Trustees are properly kept and that the entries therein are properly made. It shall be its duty to attend the meetings of the lodge and observe the replies of the Secretary and Treasurer to the questions of the Governor as to the receipts and disbursements of the funds of the lodge, and observe whether or not the responses made by such officers agree with the records kept by them. It shall be the duty of the Auditing Committee, if any discrepancies whatsoever are found at any time in any of the books of the lodge or in any of the reports made by any of the officers of the lodge, to report the same to the Supreme Secretary for proper investigation consistent with the duties and authority of his office.

Sec. 59.2—Membership Conservation Committee—The Governor shall appoint from among the members of the lodge a committee of not less than three as a Committee on Membership Conservation. The Secretary of each lodge, within fifteen days after the commencement of any quarter, shall furnish to said committee a complete list of all members in arrears, and it shall be the duty of said committee to cooperate with the Secretary in contacting such members to ascertain the cause and to collect all amounts due to renew their good standing.

Sec. 59.3—Benefit Board—Organization—The Governor, Junior Governor, Prelate, Secretary, Treasurer, three Trustees, and the Junior Past Governor shall constitute the Benefit Board of the lodge. Within one week after the installation of officers, the Benefit Board shall meet for the purpose of organization. The Governor shall be Chairman of the Board, and the Secretary of the lodge shall serve as Secretary thereof.

Sec. 59.4—Powers and Duties—The Benefit Board shall receive and carefully consider all reports on all sick or disabled members, and it shall determine who are and who are not entitled to benefits and submit its reports to the lodge. The report shall state the amount to which each is entitled, and a recommendation that warrants be drawn for the payment of same, subject to the approval of the lodge. If no objections are filed, the Governor shall direct that warrants be drawn for payment of the benefits recommended. No

claim for benefits shall be paid by the lodge without having been submitted to the Benefit Board.

Sec. 59.5—Meetings of the Board—The Benefit Board shall hold regular meetings prior to the regular meetings of the lodge, at which time it shall compile its report to be made to the lodge, as to the application for benefits, to whom payable, the amount due, and what members may be entitled thereto.

Sec. 59.6—Proceedings upon Objections to Payment—When the recommendations of the Benefit Board are reported to the lodge, any member of the lodge may object to the payment of benefits to anyone included in such report. The Governor shall immediately and without debate refer back to the Benefit Board any such claim for benefits objected to and said Board shall demand of the member complaining his objections in writing, and he shall give in detail his reason for such objections, which statement shall be fully considered by the Benefit Board, which shall investigate the case and report to the lodge at its next meeting. If the Board shall find that the member against whom objections have been filed is not entitled to benefits, its decision shall be final unless an appeal is taken to the lodge. An appeal may be taken from the action of the lodge thereon as provided by law.

When the Benefit Board shall report to the lodge that an applicant for benefits is not entitled thereto, its decision shall be final unless an appeal is taken to the lodge. An appeal may be taken from the action of the lodge thereon, as provided by law.

Sec. 59.7—Records of Board—The books and forms used by the Benefit Board shall be only such as are furnished and approved by the Supreme Lodge.

Sec. 59.8—Appointment of Sick Steward—The Board of Officers may appoint a Sick Steward whose duty it shall be to visit the sick and disabled members who have been reported to the lodge. Such appointee shall make a full report to the board at its regular meeting, and answer such questions as may be propounded by the Board, and shall perform such other duties as may be required by the board. Such appointee may receive such compensation as may be recommended by the board and approved by the lodge.

TITLE VI

LODGE FINANCES, FEES, DUES AND FUNDS

Chapter 61—Lodge Fees

Sec. 61.1—Enrollment Fee—Each application for membership in a lodge shall be accompanied by such enrollment fee as the lodge shall determine, which shall be less than \$20.00 for dues paying membership. It is unlawful for any lodge or any officer thereof to issue receipts for dues to any member except for cash received in the amount therein stated, and such receipt or any part thereof shall not be issued as

compensation or commission for securing a new member.

Sec. 61.2—Fee Forfeited.—Each enrollment fee paid by an applicant for membership in a Lodge shall be forfeited by such applicant if he fails to appear for enrollment into the Lodge within ninety days after written notice to him of the time and place designated.

Sec. 61.3—Special Fee Dispensation.—Upon application of any lodge to the General Governor, he may grant a dispensation permitting an enrollment fee to be charged of less than \$20.00, but in no event less than \$10.00, except as otherwise provided in these laws. Such dispensation shall only be granted upon condition that the lodge enter into an agreement with the Membership Enrollment Department for recruiting the membership thereof. The enrollment fee so charged while the lodge is under dispensation shall be disposed of as provided by the agreement with the Membership Enrollment Department. At such times the Department shall have access to all the books of the lodge.

Sec. 61.4—Beneficiary Life Membership.—Any beneficiary member may, by a majority vote of his lodge, be granted a life beneficiary membership in the lodge by paying to the Secretary thereof such a sum as the by-laws may provide, which in no case shall be less than three hundred dollars.

Sec. 61.5—Non-Beneficiary Life Membership.—Any member of any lodge may, by a majority vote thereof, be granted a life non-beneficiary membership therein by the payment of such sum as the lodge by-laws may provide, which shall in no case be less than two hundred dollars.

Sec. 61.6—Life Membership Cards.—The Supreme Secretary shall prepare life membership cards and shall deliver to the Secretary of each lodge, cards corresponding to the number of life members in the lodge in good standing, and the Secretary shall sign, seal and deliver one of these cards to each life member. Such life membership cards shall be official evidence of membership.

Sec. 61.7—Restrictions of Life Membership.—Life Members of all lodges are amenable to all the laws and regulations of the Order, except the payment of dues. Life memberships are not transferrable. The membership fee for Life Members shall be so distributed as to include therein commuted dues of every kind and nature whatsoever.

Sec. 61.8—Life Membership Fees.—The fees paid with applications for Life Membership shall be distributed as follows: In the case of non-beneficiary Life Membership, not less than \$150.00 of the fee shall go to the General Fund of the lodge, and in the case of beneficiary life membership, not less than \$150.00 of the fee shall go to the General Fund and not less than \$100.00 thereof shall go into the Beneficiary Fund of

the lodge as commuted dues. The balance of the life membership fee may be regarded as an enrollment fee. A sum of not less than \$50.00 out of such General Fund allotment shall be immediately remitted to the Supreme Lodge as commuted Supreme Lodge dues. No life membership shall be given by a lodge to a member as a gratuity except upon a resolution adopted by a two-thirds vote of the lodge and with the approval of the General Governor; and provided further, that whenever a gratuitous life membership has been so granted, the required life membership fee, according to classification, shall be voted from the General Fund of the lodge and be distributed as above provided.

Sec. 61.9—Non-Beneficiary Member—A non-beneficiary member shall have all the rights and privileges enjoyed by beneficiary members except that he shall not be paid any sick or disability benefits or funeral expenses nor have the right to vote upon any question pertaining to the payment of such benefits. Nothing, however, in this section shall be construed to confer the right on any such member to hold office in either the Supreme Lodge or any lodge thereof in any State where such right is prohibited by law.

Chapter 62—Dues

Sec. 62.1—Dues at Installation—Immediately before the institution of a lodge all applicants about to be enrolled shall pay to the Acting Secretary thereof dues at such a rate as shall be determined by the applicants within the limits prescribed by the laws of the Order.

Sec. 62.2—Annual Dues—Each beneficiary member of a lodge shall pay to the Secretary of the Lodge annually, semi-annually or quarterly in advance, dues including the A. B. C. Dollar as provided in Section 63.5, in any sum the lodge may require, provided that at no time shall the total be less than \$15.00 per year. Non-beneficiary members shall pay into the lodge annually, semi-annually or quarterly, in advance, dues including the A. B. C. Dollar as provided in Section 63.5, of not less than \$10.00 per year.

Sec. 62.3—A. B. C. Dollar Account—Each lodge shall maintain a separate account to be known as the A. B. C. Dollar Account, the withdrawals to be subject to the signatures of the Supreme Secretary and the Secretary of the Lodge. The Secretary of the Lodge shall deposit to this account all A. B. C. Dollars collected, Endowment Fund collections and fees due the Membership Enrollment Department.

Sec. 62.4—When Credited—Quarterly terms for which dues shall run shall commence with the first day of January, April, July and October in each year.

Dues, whether paid by a member in person, or transmitted to the Secretary by mail or otherwise, shall be credited as of the date when the same are actually received by such officer, and his receipt to the member therefor shall bear the same date.

Applicants for membership who are enrolled into a lodge before the fifteenth day of the second month of the quarter shall pay dues for the full quarter. Those enrolled on or after the fifteenth day of the second month of the quarter shall not be required to pay dues for the balance of the quarter but shall pay dues for the next ensuing quarter. All memberships shall begin from the date of enrollment.

Sec. 62.5—Non Payment of Dues—Every member shall be in arrears at the end of fifteen days after the expiration of the quarter for which his dues were paid, and during such arrearage shall not be entitled to attend lodge meetings or enjoy the privileges of a club or home conducted by his lodge. A member in arrears is non-beneficial for all purposes. Upon the payment of his arrearages, he remains non-beneficial for the purpose of benefits for thirty days. A member's failure to receive notice of his dues or arrearages from the proper office of the lodge will not release him from the requirements of the law pertaining to the payment of his dues, nor will it be a ground for paying him sick benefits, paying funeral expenses or admitting his children to Mooseheart. A member in arrears may be carried on the rolls of the lodge for a period not to exceed 12 months.

Sec. 62.6—Reinstatement of Member—Any member who is dropped from the rolls for non-payment of dues may be reinstated within twelve months thereafter upon furnishing a duly executed medical or health statement such as is required of new members, and the payment of all arrearages for dues, fines or assessments that may have been owing by him at the time and having since accrued. In all cases of reinstatement, the applicant shall be balloted on, as in the case of a new member, provided, that no one who has passed his fiftieth birthday can be reinstated as a beneficial member. If application for reinstatement is not made within twelve months, as above provided, the dropped member shall be required to make application for admission as a new member. Provided, however, that the General Governor, for good cause shown, may issue special dispensation for the readmission of such dropped members at a lesser than the minimum enrollment fee.

Sec. 62.7—Dues Waiver—50 Year Member—The lodges of the Order may adopt, by amendment to their by-laws, a dues waiver plan wherein any member having fifty (50) or more years continuous membership in the Order, may upon his request be relieved of the obligation of paying further dues. Such amendment must state whether any existing sick and/or funeral benefit privileges shall continue. Such amendment shall not become effective until it has been submitted, in duplicate, to the General Governor and approved by him in writing. One copy of the proposed and approved amendment to the by-laws of each lodge shall be kept on file in the office of the General Governor, and the other

duly approved copy shall be returned to the lodge. After approval of such amendment, the Secretary of the lodge shall issue to the qualified member an annual dues receipt which shall indicate, in lieu of "Amount," the status: "Dues waived—50 year member." The A.B.C.D. for such member shall also be waived and such member shall continue to have membership eligibility to qualify for Mooseheart and Moosehaven service.

Chapter 63—Lodge Funds

Sec. 63.1 — Investments — Upon authorization received from the Supreme Council, a lodge may invest its surplus monies in depositories, securities, municipal, government, state or provincial bonds, in the same manner and under the same regulation and restriction that applies to investment of funds of the Supreme Lodge. The funds of a lodge shall not be invested in the securities of any other lodge.

Sec. 63.2—Benefit Fund—Each beneficiary lodge shall set apart a portion of the dues received, as a special fund to be used only for the payment of sick benefit and funeral expenses of at least \$1.25 per quarter of the dues of each beneficiary member of the lodge. Said fund shall be invested in the manner and form provided for the investment of other lodge funds, and, provided further, that it shall be unlawful for said fund or any part thereof to be used by any lodge or any of the officers thereof, for any other purpose ~~except the payment of benefits and funeral expenses,~~ and that it shall be unlawful for any lodge in any way or manner whatsoever to transfer said fund or any portion thereof to any other fund for any other use or purpose whatsoever without special dispensation from the General Governor.

Sec. 63.3—General Fund—All other moneys of the lodge of every kind and nature not belonging to the sick benefit and funeral expense fund shall constitute the General Fund of the lodge.

Sec. 63.4 — Disbursements — All disbursements of lodge funds must be by official warrant. Cash payments are strictly prohibited; nor shall any distribution be made of any lodge funds to any person or for any purpose except as provided by the General Laws or as authorized by the General Governor.

Sec. 63.5—Financial Reports to Supreme Lodge—Each lodge shall pay to the Supreme Lodge as Supreme Lodge dues such amount as the Supreme Council may from time to time determine or as the laws of the Order may provide, based upon the number of dues-paying members carried on the roll of a lodge as of twelve o'clock noon on the last day of January, April, July and October of each year. There shall be included in such Supreme Lodge Dues at least \$1.25 per quarter per member as above provided, to be known as "A Big Charity Dollar" (A-B-C-D). At

least one-half of said amount shall be allocated for the support of Mooseheart, the remaining amount thereof shall be allocated by the Supreme Council to other charitable enterprises, magazine subscription, and other necessary operating expenses of the Order. Any contribution by a member of a lodge for the charitable purposes of the Order in addition to the minimum here designated, when received by a lodge, shall be funds of the Supreme Lodge and be immediately transmitted to the Supreme Lodge together with the name and address of the donor.

Sec. 63.6—Supreme Lodge Payments—Should the required reports or Supreme Lodge Dues not be received by the Supreme Secretary on or before the fifth day of March, June, September or December, respectively, of each year, the Supreme Secretary shall in writing notify the Governor and Secretary of said lodge, and may notify all the members thereof, that the lodge is not in good standing and not entitled to the password. The Supreme Lodge or the Supreme Council at the next session after notice from the Supreme Secretary, may suspend or revoke the charter of the lodge unless all the reports and the Supreme Lodge Dues have been received by the Supreme Secretary. The Supreme Secretary may collect a fine of 1 per cent for each day the reports and the remittances are delayed more than four days after the first day of March, June, September or December, respectively. If, in the opinion of the Supreme Secretary, the delay of the report and the consequent fine be caused by the negligence of the Secretary, he shall notify the Governor of the lodge of that fact and the lodge shall cause the amount of the fine to be deducted from the compensation of the Secretary of said lodge. The Supreme Council may in its discretion remit any fine imposed or expense of audit of a lodge for failure to make reports or pay Supreme Lodge Dues as required; provided, however, that the Supreme Secretary may remit any such fine which does not exceed the sum of \$25.00.

Sec. 63.7—Expenses to Convention—Each lodge may pay out of its General Fund the expenses of its Representatives to the Supreme Lodge Convention. Such expenses shall not exceed the sum of \$20.00 a day for each day in actual attendance, including time necessarily used in traveling, in addition to mileage or actual transportation expense.

Sec. 63.8—Restrictions or Solicitations—Soliciting of donations or contributions of any kind or nature by any lodge or any member of a lodge for the benefit of any lodge or any member of a lodge or for any purpose in the name of any lodge or for any purpose in the name of any member of a lodge, from any lodge or member of a lodge, or from anyone else whomsoever, is strictly forbidden except by a Convention Committee of the lodge in the city entertaining the Conven-

tion, and unless upon good cause shown a dispensation is had from the Supreme Council.

Sec. 63.9—Special Dispensation Required—A lodge shall not conduct an enterprise of any kind for financial gain, without first submitting the proposition to the General Governor and securing a dispensation therefor. If granted, all the conditions thereof must be complied with. A lodge shall not under any circumstances conduct a lottery or raffle of any kind or description or send any notice or information regarding such to any lodge or person.

Chapter 64—Lodge Benefits

Sec. 64.1—Sick Benefits—Who entitled—Any beneficiary member, who has been a member of the lodge for at least six months and in good standing for a period of thirty (30) days last past, and who, through sickness or other disability is unable to follow his usual or some other vocation, may, upon presentation of proper application, after the first week of said sickness or disability, and during the continuance thereof, receive a sum of not more than seven dollars per week for not more than thirteen weeks, provided that such sickness or disability has not originated from the intemperance, illegal, immoral or vicious conduct of such member. Provided, however, that when a lodge desires to do so, a larger amount than \$1.25 per quarter per beneficiary member may be put into the Beneficiary Fund, and a larger sick benefit than \$7.00 per week may be paid, but not exceeding \$10.00 per week; provided that total benefits paid to any one member in any one year shall not exceed one hundred dollars (\$100.00). Before doing so, the lodge must submit to the General Governor proposed by-laws providing for the payment of such sick benefits and must secure from him a permit so to do.

Sec. 64.2—Special Provisions of Sick Benefits—The first week for which benefits may be paid shall begin seven days after notice of said sickness or disability has been given to the Secretary or Governor of his lodge, or of the lodge in whose jurisdiction he may be. No member shall be entitled to benefits for more than thirteen weeks during any period of twelve months. If, when an application is made for benefits it shall appear from the records that the maximum benefits have been paid to the applicant within a period of twelve consecutive months, a member shall not be entitled to receive further benefits until twelve months from the time when the last of such benefits were due and payable, nor shall any member be paid benefits for a fractional part of a week.

Any member on the sick list of a lodge and within the jurisdiction of his lodge or of some other lodge of the Order and who is not confined to his residence shall continue to report in person at least once each

week to the Governor or the Secretary of his lodge or of the lodge in which jurisdiction he is.

Sec. 64.3—Reports for Benefits—A beneficiary member who has become non-beneficial through arrearage of dues, becomes beneficial for benefits after the expiration of thirty days from the date of the payment of his arrearages; provided, however, that if any beneficiary member becomes sick or disabled before the expiration of the thirty day period herein referred to, he shall not be entitled to receive benefits for such sickness or disability; and provided further, that any beneficiary member who becomes sick or disabled while in arrears for dues to his lodge, cannot, by the payment of such arrearages, become entitled to receive benefits during such sickness or disability.

Sec. 64.4—Restrictions on Benefits—No member shall be entitled to receive benefits for any concealed or undisclosed disease or infirmity which existed at the time of his admission into the lodge.

No member who has received benefits for any sickness or disease shall be entitled to any benefits for the recurrence of such sickness or disease or for any chronic disease or continuous ailment for which he has previously been paid benefits for the maximum number of weeks.

Any member who becomes sick or disabled while in good standing and entitled to sick benefits, shall be continued in good standing during the period he is drawing benefits, by deducting the quarterly dues from the benefits due to such sick or disabled member, if such sickness or disability continues beyond the time for the payment of such dues.

When a new member becomes sick or disabled before the six months' probation period expires, he shall not be entitled to receive benefits for such sickness or disability even though such sickness or disability continues beyond such period; provided, however, that a beneficiary member admitted by transfer card shall become beneficiary at the expiration of six months from the date of his admission to the lodge, notwithstanding the foregoing.

Sec. 64.5—Funeral Benefits—Upon the death of a beneficiary member who has been such for a period of at least six months and who, thirty days or more prior thereto, has paid all dues or other indebtedness to the lodge, funeral expenses may be paid if provided by the by-laws of the lodge, which in no event shall be more than \$100.00. In the event the funeral expenses of the deceased member have been paid from some other source, or if a balance remains after paying same, the whole amount of the funeral expense money provided or the unexpended balance shall be paid to the widow or minor children of the deceased, if any. If the deceased leaves no widow nor any minor child or children surviving him, the amount may be paid to some other

designated dependent, if any. If there be no widow or minor child or other designated dependent, the unexpended funeral expense money, if any, shall remain in the treasury of the lodge.

Sec. 64.6—Restrictions on Issuing Funeral Benefits

—A member shall not be entitled to funeral expenses if his death results from intemperate, immoral, vicious or illegal actions or conduct, or from any concealed or undisclosed disease or infirmity which existed at or before the date of his admission into the lodge. The payment of his dues under such circumstances does not relieve the member from the requirements of the laws of the Order pertaining to benefits. In the event of death by suicide, whether sane or insane, funeral expenses in the sum of ten dollars shall be paid if the case is otherwise one requiring the payment of funeral expenses under the by-laws of the lodge. A member who has become sick or disabled while in arrears for dues to his lodge cannot by the payment of such arrearages become entitled to funeral expenses if death shall occur as a result of such sickness or disability. He must have been in good beneficial standing continuously for thirty days to be entitled to funeral expenses in any event; provided he has been a member of the lodge for at least six months.

Sec. 64.7—Jurisdiction over Sick and Funeral Benefits

—Whenever a beneficiary member in good standing in a lodge and entitled to benefits becomes sick or dies outside of the jurisdiction thereof and within the jurisdiction of another lodge, such lodge in the jurisdiction of which such member becomes sick or dies shall in every reasonable way represent the lodge of which such person is or was a member in the administration of these laws, and shall deliver to such sick member any sick benefit moneys remitted to it by the lodge of which such sick person is a member, and shall disburse funeral expense money, if any, which the lodge of which the deceased was a member, may remit for that purpose to the lodge in the jurisdiction of which such member died. Such lodge, in the jurisdiction of which such member becomes sick or dies, shall report promptly to the lodge of which such person is or was a member, any action taken, with proper receipts for all money disbursed, and shall return to the remitting lodge any funds remaining in the possession of the disbursing lodge.

TITLE VII

LODGE MEMBERSHIP AND ITS ACTIVITIES

Chapter 71—Lodge Membership

Sec. 71.1—Qualifications of Member—The membership of lodges shall be composed of male persons of the Caucasian or White race above the age of twenty-one years, and not married to someone of any other than the Caucasian or White race, who are of good moral character, physically and mentally normal, who shall profess a belief in a Supreme Being, and shall be divided into two classes: (a) Beneficiary; (b) Non-Beneficiary. The Beneficiary class shall consist of those members who, in addition to other qualifications required by the laws of the Order, shall, at the time of becoming a member, be less than fifty years of age and shall be entitled to all the benefits provided by the by-laws of the lodge in which they hold membership. The Non-Beneficiary class shall consist of those members who shall not be entitled to all the benefits provided for by the by-laws of the lodge in which they hold membership. Any member of a lodge may change from one class to the other upon complying with the requirements of admission to such class, provided that no member above the age of fifty years may change from the Non-Beneficiary to the Beneficiary class.

Sec. 71.2—Dual Membership—No person shall hold membership in more than one lodge or other unit of the same degree, except upon dispensation from the General Governor.

Sec. 71.3—Application for Membership—Each person desiring to become a member of a lodge must properly fill out and sign an application therefor on a form provided by the Supreme Lodge, containing a health statement, and the true name and history of the applicant as well as his family. Said application together with the answers thereto, shall be a part of the agreement of membership between the member and the lodge, and the answers made to the questions contained in the application shall be warranties, and if any one is false, incomplete, or incorrect, it shall cause forfeiture of all rights and privileges as a member of the Loyal Order of Moose. If any applicant be elected or enrolled into any lodge in violation of this section, he shall be expelled from the lodge immediately upon discovery.

Sec. 71.4—Enrollment of a Member—A person cannot legally become a member of any lodge unless he shall be enrolled into said lodge in the manner and form prescribed by the enrollment Ritual of the Order,

except upon a dispensation granted by the General Governor. Only approved applicants for enrollment and members in good standing of a lodge of the fraternity are permitted to attend the enrollment ritual ceremony.

Sec. 71.5—Investigating Committee—Every applicant for membership shall be referred to a committee of three (3) members to be appointed by the Governor of the lodge. Said committee shall conduct a thorough investigation of the applicant and make report to the Board of Officers as to their finding, either favorable or unfavorable. When the investigating committee reports unfavorably on an applicant for membership, the Governor shall declare him rejected without the formality of ballot and he cannot again be proposed for membership until after the expiration of a period of six months from the date of such rejection.

If the report of the investigating committee is favorable, the applicant shall be balloted on in the manner provided by the ritual.

Sec. 71.6—Rejection by Ballot—When a candidate for membership is balloted on and receives three or more black balls, he shall be declared rejected and he cannot be proposed for membership again until after the expiration of a period of six months from the date of such rejection, except by special dispensation by the General Governor. Provided, that when a candidate has been balloted on and appears to have been rejected, the Governor may immediately upon his own motion, or the request of any member, declare a reballot at the same meeting; provided further, that when more than one candidate is being balloted on and three or more black balls appear, the Governor shall require another ballot immediately and the candidates shall be then balloted on in small groups or individually.

Sec. 71.7—Effect of Rejection—An applicant who has been rejected for any cause, cannot be elected or enrolled into any lodge of this Order except the one in which he first made application, unless such lodge, upon proper request, gives its written consent thereto. Any applicant who becomes a member in violation of the above rule shall be forthwith, upon discovery, dropped from the roll. A former member of any lodge who has been dropped for non-payment of dues, cannot be elected or enrolled into any other lodge of the Order until after a period of six months.

Sec. 71.8—Jurisdiction Limited—A lodge shall not solicit, or elect to membership therein, any person residing within the jurisdiction of another lodge. The Supreme Council, upon request, will, when necessary, define and designate the jurisdiction of a lodge. When a lodge accepts an application or enrollment fee from any applicant in the jurisdiction of another lodge, it shall, upon complaint of the lodge within whose jurisdiction the applicant resided at the time of such acceptance, pay such enrollment fee to the lodge legally en-

titled to it.

Sec. 71.9—Inactive Members—A member shall be termed a Moose. A Moose in good standing shall have the same and equal privileges and immunities with every other member of his lodge. A member who has been expelled after due trial shall not thereafter be regarded as a Moose in any sense, unless restored to membership in a lodge in the manner provided by law. A member holding a readmission card, or who has been suspended after trial or who was a member of a lodge the charter of which has been surrendered, or suspended, shall be deemed an inactive Moose. An inactive Moose shall not be permitted to visit any lodge, social club or home, or join as a Moose in any public procession or display of the Order; or to display or use any emblem of the Order, nor shall he receive relief as a Moose at the hands of a lodge.

Sec. 71.10—Membership in Recruited Lodges—During the life of any agreement between any lodge and the Membership Enrollment Department, it shall be the duty of such lodge and each member thereof to cooperate in the work provided for in said agreement. In the event that during the life of such agreement, any member or members of the lodge shall do or perform any act or anything calculated in the judgment of the Membership Enrollment Department or its representative to make impractical the proper fulfillment of the agreement with the Membership Enrollment Department, such member or members may be suspended from membership by the General Governor pending investigation of the effect of his or their action. During the time when any such agreement is in force between the Membership Enrollment Department and any lodge for the recruiting of said lodge, the authorized representatives shall have the same privilege of the floor as any member of said lodge, but shall not be privileged to vote on any question before the lodge.

Chapter 72—Lodge Meetings

Sec. 72.1—Regular Meetings—The meetings of each lodge may be held either during the first and third, or second and fourth weeks of each month. The Officers of the lodge shall meet as a board at least twice a month and as many times as in their judgment the business of the lodge requires. When lodges meet only twice per month there shall be a meeting of the Board of Officers during the weeks in which no meeting of the lodge is held. Such officers' meeting shall be held, if possible, in the regular lodge room. If held in any other place, or at any other time than on the regular meeting night, the Governor shall so notify the lodge in an open meeting. At the officers' meeting such business may be transacted as has been referred to it or as is deemed by the officers for the best interest of the lodge. Each member may attend the officers' meeting, but the members shall have no voice in such meet-

ing unless called upon by the Governor. At such officers' meeting sick benefits and funeral expenses may be allowed, and applications for membership may be considered. The officers shall make a full and complete report of each officers' meeting to the membership at the regular meeting of the lodge, and nothing done therein shall be binding upon the lodge until it is concurred in by the lodge at its next regular meeting; provided, however, that nothing herein shall prevent the lodge from meeting in regular session each week if desired.

Sec. 72.2—Special Meetings—The Governor may at his discretion call a special meeting of the lodge at any time. He shall call a special meeting at any time he may be so requested, in writing, by eight members of the lodge in good standing. At such special meetings no business shall be transacted, except as may be stated in the notice of such call.

The Secretary shall prepare and mail all notices for special meetings to all members of the lodge in good standing at least five days previous to such special meeting. Such notice shall state the special business to be considered, and no other business shall be considered or transacted thereat.

Sec. 72.3—Mooseheart Day—October 27th is hereby designated as Mooseheart Day. This day shall be observed in all lodges, and all other organizations created and existing in the name of the Loyal Order of Moose, by proper exercises and by such ritualistic services as shall be provided therefor from time to time. Such exercises and such ritualistic services shall be commemorative of the establishment of Mooseheart, and the birthday of James J. Davis, its Founder, and shall exemplify the principles and ideals which give Mooseheart and its program of service its essential and exceptional attributes.

Sec. 72.4—Memorial Day—Annually, on or about the first Sunday in May of each year, lodges and other units of the Order may conduct services expressive of the ideals of the Order and in memory of departed members. Such services shall be designated as Memorial Day services.

Sec. 72.5—Presiding Officer—The lodge shall open at the appointed time, and in the absence of the Governor, the Junior Governor shall preside. In the absence of the Governor and Junior Governor, the Prelate shall preside, and in the absence of the Governor, Junior Governor and Prelate, the Junior Past Governor shall preside; and in the absence of all of the above named, a Past Governor in good standing shall preside. Such Past Governor shall be selected according to the order of his term of service.

Sec. 72.6 — Offering of New Business — All new business presented to the lodge, when so ordered by the Governor, shall be made in writing and shall be

referred to the officers of the lodge, who shall report the same at the next regular meeting of the lodge, with the officers' recommendation thereon.

Sec. 72.7—Quorum—Seven duly qualified members of the lodge shall constitute a quorum for the transaction of the ordinary business thereof. But no quorum shall be considered present unless a Past Governor in good standing, the Governor, Junior Governor or Prelate be present to preside.

Sec. 72.8—Lodge May Impose Fine—Each lodge shall have the right and power of imposing fines and enforcing payment thereof in the same manner as it may enforce the payment of dues.

Sec. 72.9—Social Sessions—Social sessions may be held as the lodge may determine. At the option of the lodge and under such rules as it may prescribe, persons not members of the Order may be admitted, but no social session may be held on Memorial Day or during a session of the lodge. The proceedings of social sessions shall be conducted with true gentlemanly decorum, and no vulgarity, profanity or indecent conduct shall be permitted. Any Moose offending against this provision shall be subject to discipline, suspension, or expulsion. Every Moose shall be responsible to the lodge for the conduct of guests admitted upon his invitation. If any lodge shall permit a violation of this law, its charter may be suspended or revoked, and the lodge shall be answerable for the conduct of all persons attending such social sessions.

Sec. 72.10—Official Circulars to be Read—All official circulars of the Director General, Supreme Governor, General Governor, Supreme Secretary, or the Supreme Council and the Membership Enrollment Department sent to the lodges shall be read at the next regular meeting after their receipt and it shall be the duty of the Governor to see that this requirement is rigidly enforced. Such official circulars shall be read from time to time when conditions of the lodge require information contained in such circulars.

Sec. 72.11—Robert's Rules of Order—Robert's Rules of Order shall govern all proceedings of lodges except as otherwise provided herein.

Chapter 73—Membership Activities

Sec. 73.1—Organization of Other Units—There may be organized in each lodge, from among the members thereof in good standing, one or more drill teams, marching clubs, bands, choral groups or other similar units. The establishment and operation of all such units shall be under such rules and regulations as the Supreme Council may establish and promulgate.

Sec. 73.2—Duties and Restrictions—Units organized in any lodge may participate in such activities of the Order as may be authorized by the Governor in conformity with rules and regulations promulgated by the Supreme Council. Units shall not conduct any social

functions or any entertainments or incur any obligations or liabilities, financial or otherwise, except and only when authorized and approved at a regular meeting of the lodge.

Sec. 73.3—Permit for Lodge Publication—A lodge or any member of a lodge shall not either directly or indirectly, institute, establish, begin or maintain the publication of any magazine, newspaper or other periodical devoted or represented as being devoted to the interests of the Order or purporting to be a Moose publication in whole or in part without first securing the written permission therefor from the Supreme Council. The application for such permit must contain full informatoin as to the title, size, dates of issue, and the method of financing the printing, postage and other costs.

Sec. 73.4—Restrictions on Permit for Lodge Publications—The Supreme Council is hereby given full authority at any time to revoke any permit for any publication so granted by it. Any member or members violating any part of this law shall upon conviction thereof be punished by expulsion from their lodge.

Sec. 73.5—Securing of Supplies—All supplies and paraphernalia of every kind and description used by a lodge, including all blank books used in the lodge, shall be secured from the Supreme Lodge, through the Supreme Secretary.

No duplication, imitations or substitutions of supplies or paraphernalia furnished by the Supreme Lodge shall be purchased or otherwise procured by any lodge without the written consent of the Supreme Secretary, and the penalty for the violation of this law may be suspension or revocation of the charter, as the General Governor may determine.

Sec. 73.6—Conferring Honor of Past Governor—The honor of Past Governor may be conferred upon any member of a lodge in good standing in the following manner: A written resolution setting forth specifically the reasons therefor shall be filed with the lodge of which he is a member, shall be read by the Secretary thereof in open session and recorded upon the minutes thereof. If adopted by the lodge, a certified copy of the same under the seal of the lodge, shall be sent to the Supreme Secretary: Said certified copy shall be accompanied by a written request for the conferring of said honor, signed by the Governor and Secretary of the lodge under seal of the lodge, setting forth the action of the lodge upon said resolution as recorded in the minutes of the lodge. The Supreme Secretary shall submit the said resolution, certificate and request to the Supreme Council at its next regular session for its consideration. If the Supreme Council finds said resolution, certificate and request in proper form and deems it for the best interest of the Order to do so, it may confer the honor of Past Governor upon the mem-

ber mentioned therein, or it may decline so to confer such honor, and from its decision there shall be no appeal.

Chapter 74—Membership Recognition

Sec. 74.1—Cards of Recognition—Three kinds of cards shall be recognized by the Order, viz: Transfer Cards, Readmission Cards, and Supreme Lodge Cards.

Sec. 74.2—Prepared Forms Supplied—Proper forms of Transfer Cards, Readmission Cards and Supreme Lodge Cards shall be prepared by the Supreme Secretary and shall provide for a complete lodge history of the holder in the Order, including the name and number of every lodge of which he has been a member, the dates and the amounts of sick benefits he has drawn, if any, the date and amount of his last payment of dues and statement as to whether or not he is a beneficiary member in good beneficial standing in the lodge issuing card, at the time of issue, and such other facts and data as may be of value to any lodge in which such card is deposited, provided that any applicant for admission by Transfer Card, Readmission Card, or Supreme Lodge Card, over fifty years of age, may not be admitted as a beneficiary member.

Sec. 74.3—Issuance of Transfer Cards—A Transfer Card may be granted by a majority vote of the lodge, at a regular meeting, to any member whose dues are paid thirty (30) days in advance, who has no charges pending against him, who shall have paid all fines, assessments and other charges against him, and has deposited one dollar with the Secretary, and who has, in open meeting, in person or in writing, made application therefor, and stated to the lodge at the time of such application, the name of the lodge to which he desires to be transferred; provided that when two or more lodges are of concurrent jurisdiction, the lodge from which transfer has been requested may exercise option and determine by majority vote whether transfer be issued.

Sec. 74.4—Annulment after Issuance—If a Transfer Card be granted to a member of any lodge, and the same be not deposited with another lodge within thirty days from its issue, it shall become void and of no effect, and the holder thereof shall remain a member of the lodge from which he received such card, and shall be amenable to all of the laws thereof. Any Transfer Card granted to a member may for proper cause be recalled or annulled by the lodge granting it. In the event a Transfer Card is cancelled in any manner and another card is desired, one dollar shall be paid therefor.

Sec. 74.5—Responsibility of Issuing Lodge—The lodge issuing such Transfer Card is liable for such sick benefits and funeral expenses as the member may be entitled to, until after the expiration of six months

from date of acceptance of such member by the lodge to which he transferred.

Sec. 74.6—Procedure of Adopting Lodge—If the holder of a Transfer Card desires to file the same with another lodge, he shall make the proper application in writing and accompany it with his Transfer Card and a duly executed and signed application blank. If the lodge finds the application satisfactory, the application shall be referred to the investigating committee, which shall be governed by the laws of the Order pertaining to other applications for membership, and the lodge may require an applicant for admission by Transfer or Readmission Card to pay as an admission fee such difference as may exist between the enrollment fee of the lodge issuing the card and the lodge receiving it, at the time such card was issued and received, respectively. The Secretary of the lodge to which transfer is sought shall immediately communicate with the Secretary of the lodge issuing Transfer Card and secure from him the original application and health statement made by the applicant when he originally applied for admission into the Order, and such original application and health statement must be before the lodge before the applicant for admission by Transfer Card is voted upon. Should the applicant be rejected, these papers must be returned to the lodge of which the applicant was a member, but if he is accepted, they shall become a part of the files of the lodge receiving him.

Sec. 74.7—Effective Date of Benefits—If such applicant be elected, his membership shall begin at the date of his election, but he shall not be entitled to sick benefits or funeral expenses from such lodge for any illness, disability or death within six months from the date of acceptance of such member by the lodge to which he transferred. Upon the election of any member holding a Transfer Card, the Secretary of such lodge shall, in writing, notify the lodge from which the member was transferred, and shall report to the Supreme Secretary in his next quarterly report.

Sec. 74.8—Issuance and Rights of Holder of Readmission Cards—Any member free from charges and in good standing in a lodge, desiring to withdraw therefrom, may make application in person or by letter to the Secretary of the lodge for a Readmission Card and the same shall be granted to him. A Readmission Card severs a member's connection with the lodge.

Should such a member at any future date desire to become a member of any lodge, such Readmission Card shall be attached to and become a part of his application therefor, with a fee of not less than one dollar; and the Secretary of the lodge receiving such card shall notify the Secretary of the lodge which issued the same, and the same course shall be followed as is required by the laws of the Order in admitting a member by Transfer Card.

Sec. 74.9—Limitations on Holders of Readmission Cards—A Readmission Card severs a member's connection with the lodge, and should he deposit his Readmission Card and be elected to membership in any lodge, he shall not be entitled to benefits therein until after the expiration of six months from the date of such election.

Sec. 74.10—Supreme Lodge Transfer Card—How Obtained—Any member of a lodge that has surrendered or forfeited its charter, who desires to make application for membership in another lodge, shall, within thirty days, make application to the Supreme Secretary for a Supreme Lodge Transfer Card, certifying to his membership in the defunct lodge. He shall accompany such application with his last official receipt, and dues for at least one quarter. The Supreme Secretary shall, upon receipt of such application and dues, issue a Supreme Lodge Transfer Card to such applicant and file the same with the lodge in which he desires membership.

Sec. 74.11—Deposit and Dues of Applicant—In admitting an applicant by a Supreme Lodge Transfer Card, the same course shall be followed as is required in admitting a member by Transfer or Readmission Card; but he shall not be entitled to benefits from such lodge until after the period of six months from the time of his admission therein. All dues paid to the Supreme Secretary by an applicant for membership upon a Supreme Lodge Transfer Card shall be paid to the lodge in which he may be admitted. If the applicant be rejected by a lodge, the dues paid to the Supreme Secretary as required herein shall be refunded to the applicant.

Chapter 75—Dissolution of Lodge

Sec. 75.1—Requirements—A lodge cannot be voluntarily dissolved so long as seven members thereof in good standing object to such dissolution and unless a dispensation therefor shall have been secured from the General Governor. Notice of the purpose to dissolve a lodge must be given in writing or by printed circular to every member thereof at least five days prior to any regular or special meeting at which such action is proposed to be taken; said notice must be approved by the General Governor, and no disposition shall be made of any assets of the lodge except upon his approval.

Sec. 75.2—Revoking of Charter—In the event of the revocation of charter or the voluntary dissolution of a lodge, the paraphernalia, supplies, property, cash and other assets remaining after payment of all indebtedness of the lodge, shall be deemed to be the property of the Supreme Lodge and no disposition shall be made thereof other than in pursuance of instructions of the General Governor.

Sec. 75.3—Transfer of Membership—The members of a defunct lodge or a lodge no longer able to operate by itself may pass in a body into some other lodge provided a dispensation so to do has been secured from the General Governor, upon such terms, conditions and directions as the General Governor may determine.

LAWS FOR MOOSE CLUB

TITLE VIII ORGANIZATION

Chapter 81—Establishment of Club

Sec. 81.1—Adoption of Resolution by Lodge—A lodge may be permitted to establish and maintain a social club or home, when the same is established and maintained in accordance with the laws, rules and regulations provided and promulgated by the Supreme Council and upon the lodge agreeing, by resolution properly adopted, to be bound by all laws, rules and regulations and all lawful orders issued and promulgated by the General Governor in reference to such social clubs and homes.

Sec. 81.2—Permit to Operate—Before any lodge shall open, operate, or maintain any social club or home, it shall submit to the General Governor the general plans for operating and financing the same, and shall procure from him a permit to operate such social club or home; such permit to be issued upon such terms as the General Governor may prescribe and to be in effect until suspended or revoked by the General Governor.

Every social club or home shall at all times be maintained and operated by the lodge.

Sec. 81.3—Incorporating—The lodge shall incorporate under the Laws of the State or Province in which it is located, unless the General Governor shall determine such incorporating is not necessary.

The lodge shall be incorporated only in the name of the lodge and the Articles of Incorporation shall provide that membership in the lodge shall of itself carry with it membership in the corporation, and that suspension or expulsion from a lodge shall carry with it the same penalty in the corporation and said Articles of Incorporation and By-laws shall also provide that said lodge is incorporated in conformity with, subject to and under the jurisdiction and control of the laws for the regulation of lodges of the Loyal Order of Moose.

A copy of proposed Articles of Incorporation must be submitted to the General Governor for approval before being filed with the public officer authorized to receive same.

Chapter 82—House Committee

Sec. 82.1—Membership on—The government, regulation and control of all social clubs or homes operated

or maintained by a lodge shall be vested in a House Committee consisting of the Board of Officers. With the approval of the General Governor, the Governor may appoint additional members who shall serve at his pleasure. The Secretary and Treasurer of the lodge shall be respectively the Secretary and Treasurer of the House Committee; provided, however, that if the Secretary of the lodge does not desire to act as Secretary of the House Committee, the Governor may, with the approval of the General Governor, designate another of its members as Secretary of said committee. Said Secretary and Treasurer and any employee handling the funds of said social club or home shall give bonds under the supervision of the Supreme Secretary.

Sec. 82.2—Provide and Enforce Rules—The said House Committee shall prepare and formulate rules and regulations to govern the operations of said social club or home and the conduct of the members of the Order in connection therewith. Said rules, however, before becoming effective shall be submitted to the lodge and at a regular session thereof adopted in the same manner and form as by-laws are adopted by the lodge, and provided that said rules so prepared and so adopted by the lodge shall not become effective until first submitted, in duplicate, to the General Governor and by him in writing approved. That said House Committee, after said rules have been so adopted by the lodge and approved by the General Governor, shall promulgate and enforce the same; provided further, however, that no rule or regulation shall ever at any time be adopted or approved in connection with the operation or maintenance of a social club or home that is in any way in conflict with the laws of the Supreme Lodge, or with any law of the municipality, state or nation in which such lodge is located. The House Committee shall hold weekly meetings and the Secretary shall keep minutes thereof.

Sec. 82.3—Printing and Publishing Adopted Rules—The House Committee immediately upon the adoption and approval of such rules shall cause the same to be printed in a uniform manner in large, plain type upon heavy cardboard, displaying at the top thereof a black imprint of the official emblem of the Order, and copies thereof shall be posted in conspicuous places within such social club or home so maintained or operated by each lodge.

Sec. 82.4—Provide a Bulletin Board—Every social club or home maintained or operated by any lodge shall be provided with a bulletin board which shall be prominently placed and upon which shall be posted a copy of the laws or rules governing such social club or home, all special announcements and the names and addresses of all the sick and disabled members of the lodge in good standing.

Sec. 82.5—Provide a Visitors' Register—There shall be provided in each social club or home a proper regis-

ter where all visitors shall enroll their names and each member or members so introducing such visitors shall enroll their names and thereby become responsible for the conduct of such visitors while in such social club or home.

Sec. 82.6—Employ Help—The House Committee shall have full power and authority to employ such help as may be necessary properly to conduct and maintain such social club or home; provided, however, that it shall not employ any members of the House Committee, and provided further that the General Governor may grant a dispensation exempting the Secretary from the foregoing provision.

Sec. 82.7—Monthly Settlement to Lodge—At the first regular meeting of the lodge each month, the House Committee shall make a complete report of its business on the forms provided by the Supreme Lodge. Unless a special dispensation is obtained from the General Governor, the House Committee shall turn over to the Secretary of the lodge each month all cash exceeding a balance of \$500.00, provided that all club bills for merchandise, rents, salaries, repairs, incidentals, etc., have been paid. Such money shall be a part of the lodge funds. The House Committee shall, at the end of each month, turn over all its books, records and accounts to the Auditing Committee.

Sec. 82.8—Handle and Account for All Finances—The House Committee shall cause its Steward, or any other employee or committee who receives or handles any funds, to pay all cash so received to the Secretary of the House Committee and take his receipt therefor. It shall be the duty of the Secretary of the House Committee to deposit, at least once each week, in the bank designated by the House Committee as the depository of the funds, to the credit of the lodge, all moneys and other collections received by him, and shall make a deposit slip for each of such deposits in duplicate, leaving one such deposit slip with the bank, and giving the other to the Treasurer of the House Committee for each and every deposit so made, and secure a receipt therefor in the Secretary's Cash Book in manner and form as though the money had been delivered to the Treasurer of the House Committee instead of the deposit slip. Said funds shall never be withdrawn from or paid out of said bank except upon an official House Committee warrant voted by a majority of the members of the House Committee.

Sec. 82.9—Enforce Decorum of Members—It shall be the duty of every member to conduct himself while in and about any social club or home, conducted or operated by any lodge, in a gentlemanly and orderly manner, and it is hereby made the duty of the House Committee or any member thereof or any employee of any House Committee of any lodge immediately to eject from a social club or home or the premises upon

which it may be located, any person who fails to comply with this law, and such person shall thereafter be denied the privileges of such social club or home, at the discretion of the House Committee, provided however, that the authority of the House Committee to suspend the club privileges of any member shall in no way affect his lodge membership status.

TITLE IX **DUTIES AND RESTRICTIONS**

Chapter 91—Restrictions on Lodges

Sec. 91.1—Not to Acquire, Sell or Improve—Before any lodge shall make a commitment to or acquire by purchase or otherwise any real estate, or mortgage or sell the same, or construct or substantially improve a building, or execute any lease, it shall adopt a resolution authorizing such action at a meeting held after five days' written notice mailed to each member, and shall furthermore procure from the General Governor a written fraternal permit therefor.

Sec. 91.2—Not to Establish Clubs Until Compliance—A lodge shall not be permitted or allowed to establish a social club or home or permit any of the members to do so, or to hold out that any such social club or home is connected with a lodge, unless the said social club or home is established, maintained and operated in full compliance with the laws, rules and regulations adopted by the Supreme Lodge or the Supreme Council thereof.

Sec. 91.3—Not to Use Moose "Name or Emblems"—A member or members of any lodge shall not be allowed to use the name "Moose" or any of the emblems or insignia of the Order, which are intended to convey the impression that a lodge or any department of any lodge, is in any way connected with such social club or home, unless such club or home is established and governed in compliance with the laws, rules and regulations of the Supreme Lodge or the Supreme Council thereof, in reference to the establishment and government of social clubs or homes.

Sec. 91.4—Not to Appropriate Funds for Clubs—A lodge shall not appropriate or use any of its funds for the purpose of maintaining or operating a social club or home without first obtaining a special dispensation from the General Governor.

Sec. 91.5—Not to Extend Credit—Credit shall never at any time be extended in any social club or home maintained or operated by any lodge.

Chapter 92—Duties Placed Upon Club Operation

Sec. 92.1—To Prevent Admission of Non Members—There shall never at any time be admitted to any social club or home maintained or operated by any lodge, any person who is not a member of some lodge in good standing, and it is hereby expressly made the duty of each member of the Order when so requested

to submit for inspection his receipt for dues to any member of any House Committee or its authorized employee.

Sec. 92.2—To Prevent Admission—Exceptions—

Only members shall be permitted in any social club or home operated or maintained by any lodge, except upon the invitation of the House Committee or upon the invitation of a member in good standing with the consent of the House Committee, and in the event any such person be admitted upon such invitation to any such social club or home, the member or members so inviting such person or persons shall be responsible for their conduct in such social club or home, and shall be responsible for any property damaged or carried away by any such visitor.

Sec. 92.3—To Prevent Admission—Undesirables—

No person of vicious or immoral reputation, or in a state of intoxication or reputed to be a habitual drunkard, shall be admitted to any social club or home maintained or operated by any lodge.

Sec. 92.4—To Prevent Admission—Minors—

The admission of minors to any social club or home is strictly prohibited, except at such times and under such circumstances as the House Committee may deem advisable.

Sec. 92.5—To Prohibit Soliciting and Advertising—

No subscription or agreement shall be circulated, nor article exposed for sale, nor circulars, pamphlets or other reading matter shall be left in or taken away from any social club or home, and no advertising of any kind whatsoever shall be permitted upon the premises of any social club or home, unless duly authorized in writing by the House Committee.

Sec. 92.6—To Prohibit Purchases by Non-Members

No person, whether a visitor or otherwise, not a member in good standing, shall be permitted to purchase anything whatsoever in any social club or home so maintained or operated by any lodge.

Sec. 92.7—To Close Club at Certain Hours and Times—

No social club or home shall be permitted to remain open, nor shall any member be permitted to remain therein during the regular meeting of the lodge, the funeral of a member, or the annual Memorial Services. At all other times, the social club or home shall open and close at certain hours, the same to be designated by the House Committee. At the hours so designated for closing, all persons must vacate the social club or home, and it must be kept closed thereafter until the regular hour for opening.

Chapter 93—Restriction on Membership

Sec. 93.1—Responsibility for Damage—

A member shall be responsible for the removal of or damage to any property of any social club or home by himself

or any visitor introduced by him, and shall immediately pay the full value of such property damaged or removed, to the House Committee.

Sec. 93.2—Unlawful to Possess Keys—It shall be unlawful for any person, except members of the House Committee or their employees, to have or retain any key or keys to any social club or home unless it be provided in the rules approved by the General Governor that keys may be distributed.

PENAL CODE

TITLE XI

OFFENSES

Chapter 111—Relating to Lodges

Sec. 111.1—Revoking or Suspending Charter for Violations—A lodge may have its charter suspended or revoked for any of the following causes, in addition to all other causes hereinbefore mentioned:

1st. Violating any of the provisions of the Ritual, laws, rules, regulations or orders of the Supreme Lodge, or the by-laws of such lodge, or any lawful orders issued or promulgated by any of the officers of the Supreme Lodge.

2nd. By allowing or permitting any conduct in the lodge that will bring, or tend to bring discredit to the Order, or any officer or member thereof, by slander, insinuation or other forms of detraction that will have a tendency in any way to cause dissension in the lodge.

3rd. Preferring or permitting any of its members to prefer false charges against the Supreme Lodge or any lodge, or any officer, board, committee, or member of the Order, or maliciously making a statement, the purpose or effect of which is to injure the Supreme Lodge, Mooseheart, or any lodge, or any officer or committeeman thereof, or the reputation of the Order, the Supreme Lodge, or any lodge, or any officer or committeeman of either.

4th. For any insubordination, or any contemptuous, captious or any unconscionable criticism of a superior authority or permitting such by any of its members.

5th. For directly or indirectly circularizing, displaying, composing, issuing, printing, publishing or otherwise being a party to any resolution, exhibit or other document relative to any of the laws, Rituals, statistics, financial or general management of the Supreme Lodge or Mooseheart, or causing or being a party to any publication or any book, pamphlet, or leaflet, circulated or displayed by any committee thereof, or otherwise, and thereby communicating either to other lodges or committees or members thereof or strangers, any abuse or criticism of any officer, lodge, committee or member.

6th. In permitting any malicious, unjustifiable or abusive statements to be made, published or circulated concerning any officer, member, or committee, or permitting any of its members to do so.

7th. Making or using any paraphernalia or lodge supplies for lodge use, in any way connected or represented as being connected with the Supreme Lodge, or any lodge, other than those procured from and by the authority of the Supreme Lodge.

8th. For failure to make and transmit each and every report required by the laws of the Supreme Lodge or requested by any order, rule or regulation promul-

gated by the executive officers thereof, or for failure to send in, transmit or pay over the Supreme Lodge dues, as the laws provide.

9th. For instituting, establishing, beginning or maintaining the publication of any magazine, newspaper or other periodical devoted, or represented as being devoted to the interests of the Order, Mooseheart or Moosehaven, or any lodge, or purporting to be a Moose publication in whole or in part, without first securing written permission therefor from the Supreme Council.

Sec. 111.2—Exhaust All Means of Redress—The various tribunals provided by the Order shall have jurisdiction to try and determine the rights of members under the laws of the Order, and no member or lodge or unit of the Order shall have the right to apply to the civil courts for the enforcement of any right or the determination of any grievance arising under or by virtue of the laws of the Order.

Sec. 111.3—Refusal to Obey Mandate—Penalty—Whenever the Director General, Supreme Governor, General Governor, Supreme Council, the Supreme Convention or any other regularly constituted authority of the Supreme Lodge has issued a mandate in accordance with the law upon any lodge and such lodge refuses to obey such mandate within thirty days, it shall be deemed guilty of contempt and for such contempt may be fined in a sum not exceeding \$100.00 by the authority which made the mandate. If such fine is not paid within ten days from the date of notice to the lodge, the charter of such lodge shall be deemed suspended.

Chapter 112—Relating to the Officers and Members

Sec. 112.1—General Construction—All members of the Order are required to observe the standards of morality prescribed by the Ritual, the laws of the Order and the laws of the land. The enumeration of the particular offenses in these laws or in any law of the Order shall not be construed as a codification of all of the penal laws of the Order. All acts which may reasonably be construed as a violation of the rules of good conduct shall be regarded as conduct unbecoming a Moose and punishable as such by the constituted authorities of the Order.

Sec. 112.2—Causes for Fining or Expelling Officer of Supreme Lodge—Any officer or member of the Supreme Lodge may be removed, fined, suspended or expelled for any of the following causes, in addition to all other causes hereinbefore mentioned:

1st. Neglect of official duty.

2nd. Conduct that may reflect discredit upon the Order or disturb the peace and harmony thereof; provided, however, that such removal can only be brought about by charges being filed with the Supreme Forum, in such form and under such rules of procedure and

practice as the Supreme Forum may from time to time determine.

Sec. 112.3—Reasons for Discharge of Officers or Members—Any member or officer of any lodge may be fined, removed, suspended or expelled from his office or from his lodge, or from both, for any of the following causes:

1st. Dishonest or immoral conduct tending to reflect discredit upon the Order.

2nd. Violation of all or any part of the membership obligation.

3rd. Intentionally disclosing by any means the name or names of any member or members who opposed or reported adversely upon an application for membership in any lodge, through which any person not a member of the lodge may obtain knowledge of such action.

4th. For intentionally disclosing to anyone not a member, any business or remarks of a member made during any session of a lodge, unless authorized so to do.

5th. Displaying or exhibiting the Ritual, or paraphernalia of the Order on occasions other than those provided for in the Ritual and laws.

6th. Using any representation of any emblem that is now or may hereafter be adopted by the Supreme Lodge for advertising purposes for private gain.

7th. Refusing to appear as a witness, if notified to do so, in conformity with the laws or rules of the Supreme Lodge.

8th. Conviction of any crime, the penalty for which is, or may be, imprisonment, in which event his name shall be stricken from the roll of membership.

9th. Preferring false charges against any member of either the Supreme Lodge or any lodge, or maliciously making false or untrue statements concerning the character of any member or officer, or interfering with the performance of the duties of any member or officer or representative of any such office.

10th. Dishonest or immoral conduct, habitual drunkenness, or any other disreputable habits.

11th. Profane, indecent or unbecoming language or conduct in the hall where any lodge is in session, or about to be in session, or has just closed such session, or in the anteroom, or hallway or entries thereto.

12th. Embezzling or misappropriating any of the funds of any lodge, or of any committee of any such lodge or Supreme Lodge, or any other misapplication or misappropriation of the funds or other property, and for failure to make prompt report of any and all monies coming into his possession or control either as an officer, committeeman, or member.

13th. Discrediting the Supreme Lodge, Mooseheart, or any lodge, or any board, or committee of either, or any officer or member of either the Supreme Lodge or

any lodge by slander, libel, gossip or other forms of detraction.

14th. Preferring false charges against the Supreme Lodge, Mooseheart, or any lodge, any board or committee of either, or officer or member of either the Supreme Lodge, Mooseheart or any lodge, or maliciously making statements, the purpose of which may be to injure the Supreme Lodge, Mooseheart, or any lodge, or any board or committee, officer or member of either said Supreme Lodge, Mooseheart, or any lodge.

15th. Engaging in an immoral, disreputable, or unlawful occupation.

16th. Failure to comply with any of the orders, rules, regulations or mandates of the Director General, Supreme Governor, General Governor, Supreme Council, the Supreme Forum, or any other officer or tribunal of the Supreme Lodge, which, by the laws, has authority to issue such orders or mandates.

17th. Any insubordination, or any contemptuous, captious or other unconscionable criticism of a superior officer or authority.

18th. Directly or indirectly circulating, compiling, composing, issuing, printing, publishing or otherwise being a party to any resolution, exhibit or other document relative to the laws, decisions, regulations, Ritual, statistics or financial or general management of the Supreme Lodge, Mooseheart, or any branch thereof, or causing or being a party to any publication in any newspaper, book, pamphlet, or leaflet issued or circulated or displayed by any lodge or committee thereof, or otherwise, and thereby communicating either to other lodges or committees or members, or strangers, or directly or indirectly circularizing, composing, issuing, printing, publishing, or otherwise being a party to any resolution, exhibit, or causing or being a party to any publication in any newspaper, pamphlet or leaflet issued or circulated or displayed by any lodge or committee thereof, or otherwise, wherein any abuse or wrongful criticism of any officer, lodge, committee or member thereby may be communicated either to other lodges or committees or members.

19th. Advertising directly, or indirectly, any private business or enterprise as being carried on by or under the auspices of the Supreme Lodge, or any lodge, except by written permission of the General Governor or the Supreme Council.

20th. Furnishing any information either by statement or otherwise, either directly or indirectly, that conveys any false information regarding any applicant for admission to Mooseheart or Moosehaven.

21st. Using his official membership receipts, or to use or expose any name or emblem of the Order on labels, signs, cards, periodicals, business literature of any kind or character, or in any manner using his relation or connection with the Order for commercial

or political purposes, or in any business transaction.

22nd. For organizing or becoming a member of any society or organization limiting its members to members of the Loyal Order of Moose, which organization or society is not expressly authorized by the laws of the Supreme Lodge or by dispensation or permission of the General Governor or Supreme Council.

23rd. Instituting, establishing, beginning or maintaining or in any way directly or indirectly being a party to the beginning, establishing or maintaining the publication of any magazine, newspaper or other periodical devoted to or represented as being devoted to the interests of the Supreme Lodge, or any lodge, or purporting to be a Moose publication.

24th. For violating any of the provisions of the law, rules, regulations or orders of the Supreme Lodge, or the by-laws of his lodge, or any lawful orders issued or promulgated by any of the officers of the Supreme Lodge, or of the Officers of his lodge.

Sec. 112.4—Acquiring Membership by Fraud—Any person who shall acquire membership in the Order or in any unit of the Order by means of any false statement or misrepresentation shall be deemed guilty of an offense against the laws of the Order and shall, upon conviction, be punished by suspension or expulsion.

Sec. 112.5—Penalty for Subversive Activities of Lodge—Any member of this Order who becomes a member of the Communist Party or any other subversive organization, or who either directly or indirectly participates in the activity of said party, or said subversive organization, or who advocates the overthrow of our government by force, upon being found guilty thereof, shall be expelled from the Order.

Sec. 112.6—Penalty for Violations—Upon the conviction of any member or members or lodge of any of the offenses hereinbefore mentioned, he or they may be reprimanded, fined, suspended or expelled, as may be determined by the tribunal before which such hearing was had. Should a lodge, or any of its members, refuse, fail or neglect to take the proper steps to punish any member or members who have committed any of the offenses hereinbefore mentioned, then charges may be preferred by any member of any lodge against such offending member or members who have committed any of the offenses hereinbefore mentioned, then charges may be preferred by any member of any lodge against such offending member or members before the General Governor, whose duty it shall be to refer the charges to a member for hearing, trial and judgment; and if the member or members are found guilty by such tribunal trying him, the penalty shall be fixed by such tribunal, from which decision an appeal may be taken to the General Governor, as provided by law.

**TITLE XII
PROCEDURE**

**Chapter 121—Detection—Filing of Charges
vs Members**

Sec. 121.1—Duty to Prefer Charges—It shall be the duty of every member of a lodge who has knowledge or information that any member has violated or is violating any of the laws, rules, regulations or orders to prefer charges against such member before the proper officer or tribunal.

Sec. 121.2—Charges Submitted to Governor—Any member or members desiring to prefer charges against any other member shall submit such charges in writing to the Governor of the lodge of which the accused is a member. He or they shall state explicitly the nature and character of the offense, the time, and place, when and where such offense was committed, and shall sign such accusations. The person or persons signing such written accusation shall not be disclosed by the Governor or any other member, except as hereinbefore provided.

Sec. 121.3—Investigating Committee—Procedure—Upon receiving a copy of such charges, the Governor of the lodge shall appoint a special committee of three members to be known as the "Investigating Committee," which committee shall proceed without delay to investigate such charges. If, after the investigation, a majority of the Investigating Committee be of the opinion that the charges are not well founded, the Committee shall immediately report such conclusions to the Governor, who shall forthwith forward such charges, together with the report of such committee, to the General Governor, who may consider such charges and the report of said committee upon the request of any interested party and direct the charges to be proceeded with. If, after such investigation, a majority of the Investigating Committee be of the opinion that the charges are well founded, they shall immediately report their findings in writing to the Governor, who shall attach such report to the written charges. At the next regular meeting of the lodge, in open session, the Governor shall read the charges, the name or names of the accuser or accusers, and the findings of the committee, and direct the Secretary to record such proceedings in the minutes, and it is hereby made the duty of the Secretary to make a complete record in the minutes of the lodge immediately upon receipt thereof. The names of the members of such committee shall not be revealed until its report has been made to the lodge.

Sec. 121.4—Charges Mailed to Accused and General Governor—Within forty-eight hours after the close of the session of the lodge when such charges and report of such committee are delivered to the Secretary, the Secretary shall mail to the accused member or mem-

bers, or deliver to him or them in person, a certified copy of the charges against him or them, and shall, at the same time, mail to the General Governor all the original papers, including the charges and the findings of the Investigating Committee.

Sec. 121.5—Receipt of Charges by General Governor—The General Governor, upon receipt of such charges, and such report of the Investigating Committee from the Secretary, shall appoint a disinterested and competent member of some lodge as a commissioner to hear, try, and determine such charges.

Sec. 121.6—Accused Not to Have Privileges—When charges have been filed against any member and the Investigating Committee has reported that such charges are well founded, or the General Governor shall order said charges proceeded with, the accused shall not thereafter and pending the trial, have the right to attend any meeting of any lodge, nor have any of the privileges of membership.

Chapter 122—Filing of Charges Against Officers

Sec. 122.1—Against Governor—If charges should be preferred against the Governor, they shall be presented to the Junior Governor, who shall perform all the duties of the Governor that pertain to the trial. If charges should be preferred against both the Governor and the Junior Governor, the Prelate shall assume the duties of the Governor in connection with the trial; and if charges should be preferred against the Governor, Junior Governor and Prelate, the Secretary shall immediately notify the General Governor, who shall assume complete jurisdiction over the entire matter and the affairs of the lodge.

Sec. 122.2—Against Secretary—When charges are preferred against the Secretary, all the duties pertaining to the trial as assigned to the Secretary by the laws, shall be performed by the Treasurer.

Sec. 122.3—Suspension from Office—When charges are preferred against the Secretary or Treasurer, and the Investigating Committee has reported such charges well founded, the Governor shall immediately declare the officer against whom such charges are pending, suspended from office, pending the determination of the charges, and the Governor shall take charge of the office and demand and receive from such officer all money, books, records, keys, and all other lodge property, and the Governor shall forthwith designate some member to perform the duties of such office during the period of suspension, and in the event such officer is found guilty of any of the charges, the said appointee of the Governor shall continue to perform the duties of the Secretary or Treasurer, until a successor is regularly elected. If the accused be found not guilty, he shall immediately be reinstated. If the penalty fixed on such charges shall be "Removal from Office," such

officer shall thereafter be ineligible to hold office in a lodge.

Chapter 123—Commissioner To Conduct Trial Of Accused

Sec. 123.1—Appointment—When any officer or member of a lodge or other unit of the Order is suspended by the General Governor, or his duly designated representative for that purpose, the Supreme Secretary, or by any other officer of the Supreme Lodge as in the laws provided, the statement upon which such suspension is made shall constitute the charge, and the General Governor shall forthwith appoint a Commissioner to hear, try and determine such charges without first being referred to an Investigating Committee.

Sec. 123.2—Notice of Time, Place and Nature of Hearing—Immediately upon receipt of his appointment as Commissioner and a copy of the charges and report of the Investigating Committee upon such charges from the General Governor, the member so appointed by him to hear, try and determine such charges shall immediately fix the time and place for the hearing thereof, and shall notify the Secretary immediately to notify the accused and each of them by written notice either personally served upon the accused and each of them or by depositing one copy of said notice, with the last known address and stamp upon the envelope; in a post office, one so addressed to each of the accused, and that said notice shall be served upon the accused at least five days before the time set for the hearing of said charges.

Sec. 123.3—Conform in Procedure to Local Practices—At the time and place set for the hearing of the charges, the Commissioner shall proceed with the trial of such charges and such trial shall be conducted as nearly as possible in conformity with the rules of practice in the courts of general jurisdiction in the state or province in which said trial is being held.

Sec. 123.4—Continuances—The Commissioner shall have full authority and power to grant such continuance to either party as he may deem wise and just upon such showing as he may deem necessary or proper.

Sec. 123.5—Secretary to Serve as Clerk—The Secretary shall attend the trial and act in the capacity of clerk for the Commissioner who is hearing said charges and shall be under the orders and jurisdiction of such Commissioner during said time.

Sec. 123.6—Entering of Plea by Accused—The Secretary shall first read the charges in full and the accused shall be required to plead "guilty" or "not guilty" thereto. If the accused fails or refuses to plead, the Commissioner shall direct that a plea of "not guilty" be entered upon the record by the Secretary. A plea of "guilty" or "not guilty" shall be the only plea required of the accused. If the accused shall plead

"guilty" to the charges, the Commissioner shall cause such plea to be entered upon the record and no further proceedings in the hearing of the case will be necessary except to enter the findings of the Commissioner.

Sec. 123.7—Hearing on Plea of "Not Guilty"—If the accused shall plead "not guilty" or a plea of "not guilty" be entered in his behalf, hereinbefore provided, the Commissioner shall proceed to hear the testimony and the argument of the parties or their counsel.

Sec. 123.8—Securing of Witnesses—The Secretary shall summon, in writing, over his signature and under the seal of the lodge, all persons desired as witnesses by the accuser or accusers, the accused or any of them, or the Commissioner in charge of the trial, when requested so to do. Such summons may be served by reading by the Secretary, or someone whom he may request to serve the same, or by enclosing a copy of the summons to the witness at his or her last known place of residence duly registered and deposited in the mail.

Sec. 123.9—Administration and Form of Oath—The Commissioner shall, before any witness is examined or allowed to testify, qualify such witness by administering to him the following oath or affirmation: "You do solemnly swear (or affirm) upon your honor as a member of a lodge of the Loyal Order of Moose, that you will true answer make to all questions propounded to you touching all members involved in this hearing." If such witness be not a member of a lodge, he or she shall be qualified by oath or affirmation as the Commissioner may determine and shall be examined in the same manner as a member.

Sec. 123.10—Rules of Evidence—The Commissioner shall receive as evidence such testimony, records and documentary evidence as may be offered by either of the parties involved, subject to the rules for admission of evidence in the trial of cases in such jurisdiction, whenever the same can be properly and conveniently applied to the proceedings herein provided for.

Sec. 123.11—Reporter and Record of Proceedings—The Commissioner shall appoint a competent and disinterested member who is a shorthand reporter, if that be practicable and convenient; if not, he shall appoint some non-member who is a shorthand reporter, to take down and make a complete report of all the proceedings and of all the testimony received, together with all objections and rulings and exceptions thereto, in reference to the admission or exclusion of evidence. At the close of the hearing, said shorthand reporter shall prepare such memoranda or notes of the proceedings as the Commissioner may desire; but he shall not be required to provide a complete transcript of the proceedings unless requested to do so for the purpose of appeal; and, if the decision be appealed from, said

reporter shall then furnish a complete transcript of the proceedings to the person desiring to perfect said appeal, upon the payment by said appellant of the reasonable cost of the preparation thereof.

Sec. 123.12—Taking of Depositions—The Commissioner shall have the right to cause the deposition of any witness or witnesses to be taken, whose presence at the trial cannot be secured, and for such purpose he may appoint a competent and disinterested member to take such deposition. The opposite party shall have due notice of the time and place of the same, together with the name of the witness or witnesses to be examined and shall be entitled to attend and examine such witness or witnesses in person or by counsel. Such testimony shall be reduced to writing and shall be duly certified by the person taking the same, securely sealed and immediately filed with the Secretary.

Sec. 123.13—Counsel—The accused shall have the right to the service of a member as counsel. The Governor of the lodge in which such trial is conducted may select a member to represent it and its members at such trial, or the General Governor may request some member to appear and act as counsel in the trial of said case. The person or persons preferring such charges may be represented by a member as counsel, and if so, such counsel shall be permitted to participate in the proceedings.

Chapter 124—Commissioner's Findings

Sec. 124.1—Determination by Commissioner—The Commissioner, as soon as possible after the completion of the taking of the testimony on such charges, shall proceed to determine the guilt or innocence of the accused, and fix such penalty therefor as he may deem just and proper.

Sec. 124.2—Procedure When Accused Found Innocent—If the Commissioner shall decide that the accused is not guilty, the said findings, judgment or decree shall immediately be submitted to the Secretary, who shall read same in open session at the next meeting after the receipt of the same, making note in the minutes that the accused was by the Commissioner found not guilty, and such finding shall be the judgment, order or decree in such proceeding.

Sec. 124.3—Procedure When Judgment of "Guilty"
—If the Commissioner shall determine that the member or members are guilty of one or more of the charges preferred against him or them, he shall fix the penalty therefore, and shall immediately transmit his findings, decision or decree thereon, fixing the penalty therein to the Secretary, who shall read the same in open session at the lodge at its next regular meeting after receipt of the same; and said finding, order or decree of the Commissioner shall then be spread in full upon the records of the lodge, which shall be the judgment in the case; and it is hereby

expressly made the duty of the Governor of said Lodge to see that the orders and judgment so entered shall be fully and completely carried out.

Sec. 124.4—Suspension From the Lodge—A member found guilty of any charge, as herein provided, and sentenced to suffer suspension from membership, may be reinstated after the expiration of the period of suspension upon the payment of all fines and costs imposed as a part of the punishment, and full payment of all dues for the entire period of suspension; provided, however, that all reinstatements must be by ballot as in the case of new members. Any member suffering a sentence of suspension shall not, during the period of such suspension, be dropped from the roll of membership for the reason of non-payment of dues. Any member under suspension shall not be eligible to membership in any lodge of the Order until after the expiration of such period of suspension and full compliance on his part with every element of the penalty imposed, and a member who is suspended shall not be eligible to membership in any lodge other than the one from which he was suspended.

Sec. 124.5—Expulsion From the Lodge—A member expelled from any lodge or other unit of the Order shall not be eligible again to become a member of the lodge or other unit of the Order except in accordance with the terms of such expulsion and through the lodge or unit from which he was expelled. A member expelled from a lodge or other unit without terms or conditions cannot again become a member of the lodge or any unit of the Order except upon a dispensation of the General Governor.

Expulsion from a lodge or the Order works expulsion from each lodge of which such person was a member and from all other units or organizations of the Order; provided, however, that expulsion from a higher or additional degree other than the first degree shall work expulsion from such degrees only and other degrees higher than the one from which the member was expelled.

Sec. 124.6—Costs of Trial—All of the costs incidental to the trials herein provided for, including compensation of \$10.00 per day for the time actually consumed in the work, the necessary transportation expenses for the Commissioner, shall be paid by the lodge of which the accused was a member.

Chapter 125—Appeals

Sec. 125.1—Manner of Appeal by Members—Any member of a lodge shall have the right to appeal in the following manner:

1st. From the Governor of the lodge to the General Governor.

(This does not refer to questions of parliamentary procedure—see Robert's Rules of order.)

2nd. From the lodge to the General Governor.

3rd. From any finding, order, decree or judgment of a Commissioner to the General Governor.

4th. From any ruling, decision, finding, order, decree or judgment of the General Governor to the Supreme Forum.

Sec. 125.2—Appeal to General Governor—Upon an appeal from a lodge to the General Governor, written notice of such appeal shall be given by the appellant to the General Governor within fifteen days after the decision from which the appeal has been taken, and not later than fifteen days after giving such notice of appeal by filing with the Secretary his statement of grounds or reason for the appeal, with exhibits, if any, and brief of counsel. Such appeal must be accompanied by a certified copy of the minutes pertaining to the case and such other documents as may be needed to determine the question involved.

Sec. 125.3—Records on Appeal to General Governor—It shall be the duty of any officer having in his possession any minutes or other records necessary to afford a clear understanding of the merits of any matter on appeal from the lodge to the General Governor to furnish the appellant or appellants at his or their cost, with copies of such records upon demand, same to be filed and certified to, by them, within the time provided for the filing of such papers with the General Governor.

Sec. 125.4—Limitation on Appeal to Supreme Forum—In all cases of appeal to the Supreme Forum from the General Governor, which matters were brought by an appeal from the action of the lodge to said General Governor, only such matters shall be considered by the Supreme Forum as were contained in the appeal to the General Governor. No evidence shall be allowed or considered, other than that presented and considered by the said General Governor.

Sec. 125.5—Procedure on Appeal of a Member—Any member or members convicted of any charge by finding, order, decree or judgment of a Commissioner, shall have the right of appeal to the General Governor, who may modify, reverse or affirm any finding in whole or in part, either on the record or on a hearing de novo, and his judgment, finding or decree shall be final and conclusive unless appealed from. In the event such appeal is desired by either the lodge or the member or members so convicted, the parties so desiring to perfect such appeal shall give notice within fifteen days and after giving such notice of appeal, shall perfect the appeal by filing with the Secretary his statement of grounds or reasons for the appeal, with exhibits, if any, and brief of counsel. The record and files, or a copy thereof, shall be, by the Secretary, forwarded to the General Governor, under the seal of the lodge, and in the event the finding, order, decree or judgment of the Commissioner

shall be affirmed by the General Governor, the decision, finding, order or decree of the General Governor shall be conclusive and final unless either of the parties to said proceeding appeal from the decision, finding, or decree of the General Governor to the Supreme Forum. In such event notice of that fact shall be given within fifteen days in writing to the Secretary by the parties so desiring to take such appeal to the Supreme Forum, and not later than fifteen days after giving such notice of appeal shall perfect the appeal by filing with the Secretary his statement of grounds or reasons for the appeal, with exhibits, if any, and brief of counsel, and a copy thereof shall be sent by the Secretary to the General Governor under the seal of the lodge, and a copy thereof to the Supreme Secretary in his capacity as Clerk of the Supreme Forum, under the seal of the lodge, and the General Governor shall immediately, upon receipt of such notice, forward to the Supreme Secretary as Clerk of the Supreme Forum the entire record of said proceedings.

Sec. 125.6—Costs of Transcript and Appeal—Any member or members who shall have given notice of appeal from the decision, finding, judgment, order or decree of the Commissioner, shall within fifteen days from the time of serving said notice, pay to the Secretary of the lodge the cost of said appeal, which shall include the reasonable costs and expenses of the Secretary in procuring the certified copies of the records of the lodge pertaining to such matters appealed from; and the cost of the transcript of the proceedings and evidence in the trial of said case; and it is hereby made the duty of the Secretary, immediately upon payment of such costs as herein provided, to prepare a complete transcript of the proceedings in said matter, including therein a transcript of the proceedings and the evidence taken at the trial, which transcript shall be immediately upon completion forwarded by him to the General Governor.

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CERTIFICATE OF AUTHENTICATION

We, the undersigned officers of the Supreme Lodge of the World, Loyal Order of Moose, hereby certify that we have carefully inspected the foregoing codification of the Laws of the Order, and find the same true and correct as enacted by the Supreme Lodge. We further find that the same are in accordance with the proceedings of the Conventions of the Supreme Lodge.

In witness whereof we have hereunto subscribed our names and affixed the Seal of the Supreme Lodge this 1st day of October, A.D. 1967.

CARL A. WEIS
Supreme Secretary
(SEAL)

GEORGE R. REILLY
Supreme Governor
RALPH D. MOORE
General Governor